The Solicitors' Journal

Vol. 104 No. 42 [pp. 809–830] OCTOBER 14, 1960 [One shilling and ninepence

OCTOBER 14, 1960

THE

SOLICITORS' JOURNAL

VOLUME 104

NUMBER 42

CURRENT TOPICS

Land Registry Delay

LAST week we quoted from the Chief Land Registrar's Report for 1959–60 the average time required to complete various transactions, for instance, 34·6 working days for first registrations in compulsory areas, 45·5 days for first registrations in non-compulsory areas and 35·7 days for dealings there (p. 787). We commented that clients might find it hard to believe that the Land Registry rather than their solicitors were responsible for " the five or six weeks required by the registry." The phrase " working days " had not escaped us, and we did not intend that the period cited as an example should be read too literally. A reader, however, in supplying us with evidence of recent long delays, has suggested that it should be stressed that the periods quoted were in terms of working days and therefore the actual delay seen from a client's end is longer than might at first appear. It seems that recently acknowledgment cards have been sent by the registry in respect of dealings with land in non-compulsory areas indicating that " the average time for completing cases of this nature where no requisitions have to be made is eleven weeks." Delay of this extent is quite a serious matter. Some building societies now ask that the mortgage deed be produced to them after completion but before the documents are forwarded for registration, presumably in order to satisfy themselves at an early date that the mortgage has been duly executed. This practice in turn may cause a difficulty in forwarding the application to the registry in time to take advantage of the protection obtained by the search.

Production of Counterpart

A READER has drawn our attention to a matter on which we understand practice to vary. A counterpart of a lease was recently returned to him by the Controller of Stamps with a note which stated that the Commissioners have been advised " that a counterpart lease executed by the grantee or lessee only is not required to be produced " under the Finance Act, 1931, s. 28. Nevertheless, our correspondent has recently seen a number of counterparts bearing " Produced " stamps. Section 28 requires production of, *inter alia*, the instrument by which a lease for seven years or more is granted. A counterpart not executed by the lessor certainly does not make the grant and so the controller's note seems justified. Consequently, the position is that solicitors should not refer to the step of " production " when a counterpart in normal form is sent for stamping and the produced stamp should not be added.

CONTENTS

CURRENT TOPICS:
Land Registry Delay—Production of Counterpart—John Mackrell Prizemen Series—Caveat Venditor—The Reason Why Not—Excluding the Public

CORONERSHIP TODAY—I 811

JOHN MACKRELL PRIZEMEN SERIES:
Road Traffic Defences in Summary Cases 813

GLIMPSES OF AMERICAN LITIGATION 814

JURISDICTION OVER FOREIGN TORTS—IV 815

SUICIDE AND THE FATAL ACCIDENTS ACTS 817

LAW IN A COOL CLIMATE—VII 818

LANDLORD AND TENANT NOTEBOOK:
Agriculture: Contracting out 820

HERE AND THERE 822

CORRESPONDENCE 822

REVIEWS 823

NOTES OF CASES:
Berry *v.* British Transport Commission
(Malicious Prosecution: Statutory Offence Punishable by Fine: Whether Action Lies) 826
G. *v.* G. (otherwise H.)
(Nullity: Incapacity: Approbation Not Discretionary Bar: Delay) 826
Land Commissioner *v.* Jayewardene
(Ceylon: Agricultural Land: Compulsory Acquisition) 824
Liverpool, The (No. 2)
(Shipping: Limitation of Liability: Double Proof) .. 824
Miller *v.* Miller
(Husband and Wife: Maintenance: High Court Order Registered in Magistrates' Court: Variation: Principles) 827
Robins *v.* Robins
(Divorce: Cruelty: Defence: Insanity: Genuine Belief in False Accusations: Reasonable Apprehension of Injury to Health) 826
St. George's, Birmingham, *In re*
(Ecclesiastical Law: Faculty: Demolition of Church: Jurisdiction) 827
Storey *v.* Storey
(Husband and Wife: Submission of No Case: Election: Right to Order Rehearing) 825
Whitehouse *v.* Board of Control
(House of Lords: Refusal by Court of Appeal of Leave to Appeal against Refusal by High Court of Leave to Bring Proceedings) 824

IN WESTMINSTER AND WHITEHALL 828

POINTS IN PRACTICE 829

SOLICITORS' ART 830

John Mackrell Prizemen Series

No solicitor in practice to-day can fail to be aware of the existence of the John Mackrell Prize which is available for award after every solicitors' final examination to the candidate or candidates who have best shown evidence of having acquired "practical knowledge of, and capacity to advise upon and transact matters of business which come within the province of a practising solicitor." This was the condition made in 1890 by the City of London solicitor who presented £1,000 to The Law Society when he founded the prize that bears his name. Since then we have all had to contend with the compulsory questions of considerable difficulty specially drafted by the examiners with a view to facilitating their task of, so to speak, identifying the mackrell amongst the souls in the examination room. It was a neat thought to relate this prize to marks gained upon certain questions in the compulsory qualifying papers; the quintessential practical candidate doubtless would not honour the Honours Examination; we wonder, though, if there is a peacetime John Mackrell prizewinner on record who did not sit for that examination. We thought it would be of great interest and value to give the opportunity to John Mackrell prizemen of recent years to expound upon a subject of their own choice after some time in practice. We appreciate the good response shown and have great pleasure in introducing this new series, the first article in which is published to-day (p. 813). We have not been disappointed by the novelty of approach and variety of subjects displayed in the series. We have no fears in commending the articles so that you may judge for yourselves.

Caveat Venditor

THE case of *Drewery* v. *Ware-Lane* (1960), *The Times*, 6th October, in a sense complements that of *Ackroyd & Sons* v. *Hasan* [1960] 2 W.L.R. 810; p. 388, *ante*, by making a ruling on the other side of the line demarcating when an estate agent has earned his commission. In *Drewery's* case the vendor instructed estate agents to ask the price of £2,250 for his leasehold house. Shortly afterwards the estate agents obtained an offer of £2,160 and on 3rd January, 1959, at the agents' offices, the vendor indicated his willingness to accept that offer and signed a "letter of authority," being the contract between him and the agents for the house's sale, and a "vendor's agreement" by which he agreed to sell the house to the prospective purchaser for the stated sum subject to contract. On the same day the prospective purchaser signed a similar "purchaser's agreement." The letter of authority contained a clause whereby the vendor undertook to pay commission to the estate agents if and when a prospective purchaser signed the agents' purchaser's agreement and he signed their vendor's agreement. After the signing of these agreements, discussion arose about purchasing the freehold. It seems that, as is so often the case, the prospective purchaser could not complete the purchase without a mortgage and he postponed application therefor until his negotiations concerning the freehold were further advanced. On 12th January the vendor informed the estate agents that as no progress had been made he had disposed of the property to another person. The estate agents thereupon claimed that their commission was payable. The Court of Appeal upheld the decision of Judge WINGATE-SAUL in their favour. ORMEROD, L.J., said that there was no authority as to what was meant by a "prospective purchaser" and observed that without the word "prospective" in the agreement the estate agents might have been in considerable difficulty; it seemed to his lordship that the word "prospective" did not connote necessarily a ready or a willing or an able man but rather one who had the question of buying this property in prospect or contemplation and who was prepared to make an offer with regard to it. This case illustrates once again how undesirable it is for a layman to sign any form of agreement in connection with a matter in which sooner or later he intends to instruct a solicitor to act for him.

The Reason Why Not

AFTER its discontinuance for eight years the Court of Criminal Appeal has this term resumed the practice of giving judgments when applications for leave to appeal are dismissed, although usually not when they are granted. We do not know the reason for the change, although a legal correspondent of *The Times*, in the issue of 6th October, commented that the giving of judgments would allay the dismay felt by many visitors unfamiliar with the court's procedure who gained the impression that the applications were being dispatched in the most cursory manner. Whatever the reason, the extra time involved is well spent if applicants and others thereby realise that the papers in the cases have been carefully studied by the judges of the court. The minority whose applications are allowed are doubtless not interested in the academic reasoning underlying the granting of their requests.

Excluding the Public

AT common law a trial on indictment or criminal information must be held in a public court with open doors, but in a recent inquest at Hucknall the question arose as to the right of a coroner to exclude the public and the press from his court. It seems that the common law has always recognised that inquests "ought, for the purposes of justice, in some cases to be conducted in secrecy" (per Lord Tenterden, C.J., in *Garnett* v. *Ferrand* (1827), 6 B. & C. 611), and it was believed that this power of exclusion was, in the words of Lord Tenterden, C.J., "necessary for the due administration of justice." However, this power has been restricted by r. 14 of the Coroners Rules, 1953, which provides that: "Every inquest shall be held in public: Provided that the coroner may direct that the public be excluded from an inquest or any part of an inquest if he considers that it would be in the interest of national security so to do." It will be seen, therefore, that the test is now "the interest of national security" and not "the due administration of justice" and it has been suggested that now it should only be necessary to hold an inquest in private where secret information about the defence of the country is likely to be disclosed as the discretion does not cover the holding of an inquest in private to save the feelings of the relatives of the deceased person: Jervis on Coroners, 9th ed., p. 143. It does not follow that a coroner is not able to discourage the publication of Press reports of proceedings in his court, as a request to the Press not to publish some particular fact or facts is normally observed if the request is made for good cause. The coroner adopted this course in the inquest at Hucknall and he did so to save the dead man's widow further grief. The Press appears to have respected the coroner's wishes in this regard, although it is not now under a legal obligation to do so. That the practice of coroners is continually under review is pointed out by a London coroner, Mr. GAVIN THURSTON, in an article of which the first part is published today at p. 811.

YOU CAN BE DICTATING

With the new Philips Dictation Machine at your elbow, you have 100% office efficiency. You can dictate when you like: your secretary can continue with other important work. This versatile instrument also records telephone conversations . . . takes verbal notes . . . remembers facts and figures. The new Philips Dictation Machine means *extra freedom* all round.

AND YOU CAN KEEP THINGS MOVING

Released from taking dictation, you're free to be more of a personal assistant. You have more time to run the office . . . make sure things go smoothly. And the new Philips Dictation Machine is so easy to use: five simple controls; 'Snap-in' tape cassettes; clear sound. You'll welcome the *extra freedom* of Philips Dictation Machine!

You both have **EXTRA FREEDOM** with

THE NEW

PHILIPS DICTATION MACHINE

COMPLETE EQUIPMENT:
Dictation Machine, Microphone, Foot Control, Headphones

49½ gns.

MADE IN HOLLAND

PHILIPS

PLEASE SEND ME DETAILS OF THE NEW PHILIPS DICTATION MACHINE
SJ 12

NAME .....

ADDRESS .....

.....

.....

TO: PHILIPS ELECTRICAL LIMITED
CENTURY HOUSE · SHAFTESBURY AVE · LONDON WC2

(PB31368)

CORONERSHIP TODAY—I

by Gavin Thurston, M.R.C.P., D.C.H., Barrister-at-Law
H.M. Coroner, County of London, Western District

ALTHOUGH cases are not recorded in the law reports, there are constantly occurring modifications in the procedure and practice of coroners. The days when an irascible nature and a taste for moralising characterised many holders of the office have long passed, and the modern coroner is generally well-informed and quite aware of developments in the sciences, particularly of forensic medicine. While it is true that the coroner has a jurisdiction over treasure trove, for practical purposes his work is confined to inquiry into unnatural and unexplained death.

Administration

There are about 260 coroners in England and Wales. The statutory requirement is to be a solicitor, barrister or doctor of five years' standing (Coroners (Amendment) Act, 1926, s. 1 (1)). Jurisdiction is territorial and appointment made by the local county or borough authority. The number of cases in a year varies from 3,500 in London to less than twenty in some outlying areas. It has been recommended (Home Office Circular 52/1952) that the smaller districts should be combined with their neighbours by appointing the adjacent coroner as vacancies occur. This process is obviously a slow one. The part-time coronerships are usually held by local solicitors (there are four or five doctors) and the whole-time appointments in London and the Home Counties by men doubly qualified in law and medicine. The Manchester whole-time coroner is a barrister and there are whole-time solicitor-coroners in Birmingham, Liverpool, Sheffield, Stoke-on-Trent and Wakefield. It is estimated that about one-third of all the work is done by whole-time coroners.

Issue of death certificate

Before a dead body can be disposed of it is essential to know the cause of death. In England and Wales there are only two authorities with power to give a certificate of cause of death; one is the attending medical practitioner and the other is the coroner. The Lord Chief Justice and judges of the High Court, by virtue of their office, are sovereign coroners with jurisdiction throughout England and Wales, but it is not known that this function has been exercised for at least a century. A medical practitioner has a statutory obligation to issue a certificate of the cause of death if he attended a patient during his last illness (Births and Deaths Registration Act, 1953, s. 22). Of course, without a post-mortem examination the certified cause of death may not be exact, but methods of diagnosis are improving all the time, and accuracy is no doubt improving too. The importance of accurate knowledge of the cause of death is twofold, for the detection of crime and the keeping of accurate statistics of the nation's health.

When there has been no medical attendance, or the doctor does not know the cause of death, or it is violent or unnatural, the coroner must be informed. About 10 per cent. of all deaths in England and Wales are referred to the coroner, and in London the figure is as high as 35 per cent. This is probably due to the presence in the city of a shifting population of people unknown to each other, who have no regular doctor. Many such people live in an abnormal way and, when death occurs, the circumstances are likely to excite suspicion.

The obligation to report to the coroner is a common-law one, but there is no reported case in which an information has been laid against a person for failing to do so. There is the common-law misdemeanour of obstructing the coroner in the execution of his duty. In *R.* v. *Price* (1884), 12 Q.B.D. 247, a father cremated the body of his child. The indictment for obstruction of the coroner failed because it was never established that the coroner had jurisdiction to hold an inquest. Provided no nuisance is committed, it is not a misdemeanour merely to burn a body.

This obligation lies on everyone. In practice the coroner receives his reports from three sources, the police, doctors and registrars of births and deaths. Notifications from elsewhere are most uncommon, though long letters occasionally allege crime in connection with the death of a relative or neighbour. Such information must always be followed up, although it usually turns out to be motivated by eccentricity or malice. The police are concerned in most violent deaths, and in many unexpected ones. Doctors and hospitals report either because of an accident or because there may be some dubious factor or complaint by a relative in connection with the death. Irregularities in certification account for most of the registrar's references, the doctor may not have seen his patient within the prescribed interval before death, or the certified cause of death may indicate an unnatural origin. The registrar is here guided by his regulations (Registration (Births, Still-births, Deaths and Marriages) Consolidated Regulations 1954, reg. 82 (1)).* Prison governors and mental hospital superintendents are required to report deaths of prisoners and certified patients (Prison Rules, 1949, r. 28; Borstal Rules, 1949, r. 24; Detention Centre Rules, 1952, r. 20; Mental Treatment Rules, 1948, rr. 65 and 66). Notice to the coroner must be given when a body is to be removed out of England (Removal of Bodies Regulations, 1954).

Reportable cases

A convenient list of reportable cases is the following:—

Abortion, if not natural.

Accidents, in any way contributing to death, e.g., fractures in the aged and falls in hospital.

Alcoholism, acute or chronic, cirrhosis of the liver.

Anæsthetic deaths.

Certified mental patients (but *not* voluntary patients).

Complaints, in hospital or other cases where it is alleged that there has been improper treatment.

Drugs. Therapeutic or of addiction.

Industrial disease.

Operations, if it seems that the operation has caused death or been performed for injury.

Poisoning. Accidental, suicidal or homicidal.

Prisoners.

Service disability pensioners.

Still-births, if there is doubt whether the child was born alive.

Violent and unnatural deaths not covered by the above list.

When the case is reported, the coroner's officer, who is usually a serving police officer, makes inquiries and gives preliminary information to the coroner, who decides whether an inquest is necessary. The decision follows naturally from

* As amended by the Registration (Births, Still-births, Deaths and Marriages) Amendment Regulations, 1960 (S.I. 1960 No. 1604), reg. 9.

the circumstances in most cases, but the coroner may have to await the result of autopsy before making up his mind. The coroner has power to order a post-mortem examination and, if this discloses a natural cause for death, he can notify the registrar that an inquest is unnecessary (Coroners (Amendment) Act, 1926, s. 21). It is also permissible to clear the case without post-mortem examination if there is adequate evidence, medical and otherwise, that this is a safe thing to do. This course should never be adopted merely to spare the feelings of relatives who wish to avoid a post-mortem examination.

At post-mortem, the apparently natural death may turn out unnatural, or vice versa, as shown by the following examples :—

(i) A workman painting a ceiling fell from the trestle to the floor, striking his head violently. He was dead on arrival at hospital. Autopsy showed he had died from a massive coronary thrombosis, and that he was dead when he struck the floor.

(ii) An elderly lady, living alone and in poor health, was last seen one evening by her son. Next morning she was found deeply unconscious and died shortly afterwards in hospital. On her bedside table were two suicide notes in her handwriting. In one of these was expressed the intention of taking an overdose of her sleeping tablets. Post-mortem showed broncho-pneumonia and coronary artery disease. There was no sign in the stomach of the sleeping tablets and analysis failed to reveal the presence of any drug. The pathologist was of the opinion that in the time since she was last seen the body processes could not possibly have destroyed the drug. The case was concluded without inquest.

On more than one occasion people have been found to be dead of natural causes in the presence of clear preparations for suicide. Possibly the emotional stress at the time proves too much for an already diseased heart.

Another type of natural death may be familiar to many coroners :—

(iii) A car was seen to drive rather close to a bus in a main street. There was no question of excessive speed, but the nearside scraped the front of the bus and the car then collided with a tree. The driver was found slumped over the wheel, dead. Autopsy showed a large coronary thrombosis. As other road users were concerned an inquest was held and the jury returned a verdict of death from natural causes.

A final example :—

(iv) A young woman aged twenty-four had complained of headaches and giddiness, and consulted her doctor. The coroner received the report that, while washing up, she made a gurgling noise and fell to the floor. On arrival at hospital she was dead, and it was thought that the likely cause was subarachnoid hæmorrhage, not unknown in young women. There was no suspicion at this stage. On opening the body the pathologist detected a smell of cyanide. The C.I.D. were at once informed and the completed examination showed that death was due to cyanide poisoning. Her husband was subsequently convicted of her murder. It was believed that he had administered the cyanide in her tea.

Power to dispense with an inquest

The provision in 1926 of the power to dispense with an inquest made a great difference to coroners' work. Another provision (in s. 20) allowed for the adjournment of an inquest where a person is to be charged with murder, manslaughter or infanticide. Charges under s. 1 of the Road Traffic Act, 1960, have been added to this list (ibid., s. 1 (3). The procedure has become so regularised that the cases are simply referred to as " s. 20 cases." If a charge is to be made before examining magistrates the coroner opens an inquest, takes evidence of identification and of the cause of death and hears a police officer who asks for an adjournment. The case is then adjourned until the conclusion of the criminal proceedings, no matter at what stage or with what result. The coroner then announces that under the provisions of s. 20 he will not resume the inquest, and he notifies the registrar accordingly. This only applies where a person is charged ; if there is no culprit, or the coroner himself commits a person for trial, a full inquest is held.

Consequence of introduction of the National Health Service

A third influence has profoundly affected coroners' practice. As a result of National Health legislation in 1948 hospitals have been organised on a regional basis and staffs of specialists have been attached to each group. This meant that specialists in pathology became available in all parts of England and Wales. Previously, many coroners relied on police surgeons and general practitioners for autopsy work. Though these men were experienced and conscientious, they lacked the specialised training essential to medico-legal work. The Home Office forensic science laboratories likewise cover the country and undertake tests in suspected poisoning, alcoholic cases and similar investigations. It is now possible for every coroner to have easily the services of a skilled pathologist backed by the facilities of a scientific laboratory. This point is specifically mentioned in the Coroners Rules, 1953 (S.I. 1953 No. 205), r. 3 (*a*). It should be noted that, in cases of crime, the coroner is required to consult with the chief officer of police on the choice of a pathologist, though the coroner has the final say in the matter (ibid., r. 3 (*b*)). In practice, a harmonious and co-operative relationship between police and coroner is the rule.

The practising solicitor is, naturally, interested in problems in court and afterwards. However, it must be understood that a large proportion of the coroner's work is in the office, and that he does not lack his administrative problems. In an inquest case, he will view the body, peruse the documents and perhaps visit the *locus in quo*. A jury is necessary in cases specified in the Coroners (Amendment) Act, 1926, s. 13 (2), i.e., where there is reason to suspect—

" (*a*) that the deceased came by his death by murder, manslaughter or infanticide ; or

(*b*) that the death occurred in prison or in such place or in such circumstances as to require an inquest under any Act other than the Coroners Act, 1887 ; or

(*c*) that the death was caused by an accident, poisoning or disease notice of which is required to be given to a government department or to an inspector or other officer of a government department, under or in pursuance of any Act ; or

(*d*) that the death was caused by an accident arising out of the use of a vehicle in a street or public highway ; or

(*e*) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public."

(To be concluded)

John Mackrell Prizemen Series

ROAD TRAFFIC DEFENCES IN SUMMARY CASES

THE newly qualified solicitor who has been lucky enough to win the John Mackrell prize may well find that those practical matters which the prize assumes him to be qualified to advise upon are in fact not at all like those which appear in those fatal asterisked questions in the Final Examination. Instead, if he gravitates towards advocacy he is very likely to discover at an early stage what embarrassingly practical problems can arise out of the use of the internal combustion engine. Interpretation of the Road Traffic Acts will be found to rival strongly the esoteric mysteries of the functions of the "tenant in tail after possibility of issue extinct" or of the young lady who rendered such valuable services to her father, on both of whom the Mackrell prizeman concentrated with such devotion for his Finals.

Let us imagine that a reconstituted Final Examination contains a compulsory paper on road traffic law. Then a typical asterisked question which might face the young Mackrell advocate could be:—

> "Mr. Carless consults you to-day and hands to you a summons charging him with driving without due care and attention on 1st May, 1960, on the London to Brighton road. He informs you that he remembers the occasion well, having gone over a cross-roads in a built-up area against a red traffic light at 60 m.p.h. and having collided with a police car. He insists on pleading not guilty. Advise him."

Notice of intended prosecution

Readers of this journal should have no difficulty in spotting the clue, for have not 1959 and 1960 seen the further development of that ingenious defence known as "no notice of intended prosecution"? Carless's summons is too late for it in itself to satisfy the requirements of s. 241 of the Road Traffic Act, 1960, since it was not served on him within fourteen days of the offence and our Mackrell advocate must hope that the police force in question is not one which sends out written notices within the said fourteen days in every case. Then the prosecution must rely on a verbal warning given "at the time the offence was committed," and this can provide the defence with an opportunity to indulge in all kinds of niceties, beside which the problems of Equity or of the Companies Act pale into insignificance! For example, is an hour and a half after the offence "the time the offence was committed" within the meaning of s. 241? From *Jollye* v. *Dale* [1960] 2 W.L.R. 1027; p. 467, *ante*, it would seem so, at least if Carless were a little intoxicated at the actual moment of the offence. Even if our Mackrell advocate prays in aid the benefits of s. 241 only when a police officer is saying in the course of his evidence those time-honoured words: "I told the defendant that I would have to report the matter to my superior officer with a view to prosecution," he may still raise the issue of "no notice" at that stage, even if he has made no preliminary submission on the point (*R.* v. *Edmonton Justices; ex parte Brooks* [1960] 1 W.L.R. 697; p. 547, *ante*), although it is a convenient rule of practice to raise the defence as a preliminary point (ibid.).

However, even a written notice, given within fourteen days of the offence, is not invulnerable. If the notice is as vague about the place of the offence as Carless's summons, i.e., "the London to Brighton road," it may very well be invalid (see *Young* v. *Day* (1959), *Criminal Law Review* 460), though it is only fair to add that such a notice would probably be as rare a specimen in the motor advocate's collection as a "Post Office Mauritius" for a philatelist.

Pleading guilty

Unfortunately, very many of the motoring defendants who come the way of the young advocate are irretrievably destined for a conviction from the moment when they open their evidence in chief with those familiar words: "I didn't see him at all, your worships, though I'm sure I looked in my mirror." Short of a *deus ex machina* in the form of a faulty notice of intended prosecution, the best course is often to plead guilty and save having to pay the witness expenses of the prosecution. There is always, however, the outside chance that the prosecution might forget to give evidence identifying one's client with the driver of the vehicle at the time of the alleged offence, in which case the magistrates may properly refuse to allow the prosecution to re-open their case to give evidence as to identity (*Middleton* v. *Rowlett* [1954] 1 W.L.R. 831).

"Star witness"

Sometimes, however, one finds that the defendant was fortunate enough to have with him as a passenger a "star witness" who can swear convincingly that the other driver failed, as he puts it, to give any or any sufficient signal of his intention to turn right. What is more, the star witness actually understands the torrent of incomprehensible measurements that will inexorably flow from the lips of the police officer who visited the *locus in quo* and he can prompt one with unanswerable and favourable deductions from the figures given. The star witness prompts hotly down one's neck throughout the prosecution's case and then the great moment comes when one calls him to testify. The prosecutor mentions in a menacingly diffident way that your witness has been sitting in court throughout the case when he should have been outside. This causes a feeling in the pit of the stomach at least comparable to that induced by the worst asterisked question, and memories of burly policemen shouting "*All* witnesses out of court" crowd horridly into one's mind. However, all is not lost. Even if there were such an order at the beginning of the case, it seems that the star witness's testimony cannot be excluded; it certainly cannot if there were no such order (*R.* v. *Briggs* (1930), 22 Cr. App. Rep. 68).

Technical defences

Defences, more or less technical, arising from points of law emerging from the defence evidence have a natural fascination for the Mackrell advocate, but to raise one in one's concluding speech is a hazardous proceeding. Normally, provided that he has not addressed the court before calling his evidence, the defending advocate has the last word in court and the romantic aura with which he surrounds his client's erratic driving will not be dispelled by the cold cynicism of the prosecutor (Magistrates' Court Rules, 1952, rr. 5 and 17). Introduce a point of law, however, and the prosecution has the right to address the court in reply.

Admittedly, the prosecutor must not comment on the evidence more than is necessary for his arguments on law, but in many cases, this will be found to give the prosecutor a horribly wide freedom to comment on the defence evidence at that fatal moment when the court clock is ticking towards the luncheon adjournment and one's early morning skirmishes with the prosecution witnesses have lost their first incisive freshness!

It follows from the fact that the percentage of convictions is said to be higher in motoring cases tried summarily than in other types of cases that the nature and extent of the penalties for motoring offences is usually the hard practical core of motoring law to which a Mackrell question ought to be directed. Defendants invariably are anxious about only one point, that is, whether they will be disqualified. Fortunately, the vast majority are first offenders who are convicted of driving without due care and attention, and to them one can say with confidence that the worst that can happen to them is a maximum of one month's disqualification (Road Traffic Act, 1960, s. 104 and Sched XI). Confidence in giving this reassurance increases with repetition until the day one represents a driver who sins against s. 3 of the 1960 Act (careless and inconsiderate driving) for the first time in his eighty-fifth year. To one's horror the court disqualifies him until he passes a driving test (see Road Traffic Act, 1960, s. 104 (3)). Although the ignominy of being able to drive only under "L" plates and accompanied by a qualified driver means to one's client in fact disqualification for life, he cannot rely on that comforting one month's restriction.

Pleading guilty on a client's behalf

Another trap for the unwary is the black-jacketed motorcyclist who presents you with a summons for exceeding 30 m.p.h. and asks you just to trot along to court and plead guilty on his behalf. "I shan't come myself," he says. "I never bother on these occasions." Alas, on your arrival at court you find that "these occasions" are in fact at least two in number and your client has lost his previous immunity from disqualification (Road Traffic Act, 1960, Sched. XI, para. 22). The court duly disqualifies him for six months, and you cannot even comfort him with the thought that he might apply during the period for removal of the disqualification, for this is possible only where the period exceeds six months (Road Traffic Act, 1960, s. 106 (2)).

There is a wealth of exciting jurisprudence in road traffic law unmentioned by this article. Nevertheless, this particular Mackrell prizeman still searches sadly for an authority on the effect of a car purchased with capital money of the settlement being driven carelessly by that elusive tenant in tail after possibility, or for some obiter dicta on whether that young lady "servant" was really on a frolic of her own in her father's car and thus not insured against third-party risks, as required by the Act!

M. J. G.

GLIMPSES OF AMERICAN LITIGATION

I HAVE no statistics and am thus open to correction, but I have the distinct impression that the Americans are more plentifully supplied with courts per head of the population than we are. Each State has its own judicial system and some States are very small, so that sometimes there are two or more self-contained structures, each with its own courts of first instance and appellate courts, within a short distance of each other even by our standards of distance. In addition to the State courts there is the Federal structure, again consisting of courts of first instance and of appeal. To understand the demarcations between Federal and State jurisdictions requires prolonged study: for example, a man charged with stealing groceries is tried in the State courts, whereas if he steals mail he is tried in the Federal courts.

Political judicial appointments

Unfamiliar to us is the element of party politics in judicial appointments. The system varies from State to State. Sometimes judges are elected directly: we reproduced last week an election poster (p. 792). Elsewhere judges may be appointed by State governors or mayors of cities. While the pressure of public opinion and the tendency of appointors is towards a bi-partisan judiciary, I gained the impression that this pressure is sometimes resisted. It is significant that both Vice-President Nixon and Senator Kennedy have expressly declared themselves in favour of bi-partisan appointments. It follows that judges can and do lose their posts when there are political changes, and if they do they may well return to practice. It is also known, though not widespread, for judges to retire voluntarily and return to practice.

Discarded procedures still in being

American courts have retained until quite recently, and sometimes still retain, vestiges of institutions and procedures which for better or worse we have abandoned. Up to 1948 the courts of Delaware still controlled their practice and procedure according to "the Statute of 27 Elizabeth and the Statute of 4 Anne." They dealt with the replication *de injuria*, the *similiter*, the *absque hoc*, the negative pregnant and the action of detinue. They concerned themselves with pleas of *nul tiel* record, the special writs and all the common-law forms of action. My source of information is Judge David L. Herrmann, a former judge of the Supreme Court of Delaware, who not only supplied me with the text of an address on this subject which he gave four years ago in Alabama, and from which I have quoted, but also generously gave up a large amount of time to explaining the changes which were made.

The object of the changes was to eliminate technicality, surprise and delay and to re-emphasise the ascertainment of truth. In one respect at least procedure in Delaware and in many other States has gone beyond us. According to Judge Herrmann, the most notable development was in the field of discovery and he claims that broad and liberal discovery has revolutionised litigation. "By use of available discovery devices," says Judge Herrmann, "a lawyer may now come to trial almost as familiar with his opponent's case as with his own. The objection to the 'fishing expedition' is repudiated. Surprise has been reduced to a minimum. 'Trial by ambush' has been abolished in the interest of the ascertainment of truth."

Courts encourage settling of cases

One party to an action before the trial may take a deposition from the other party and from any witness whom the other party intends to call. Thus a defendant in a civil action is as fully informed about his adversary's evidence as is the defendant in a criminal trial on indictment in this country.

Admittedly, the prosecutor must not comment on the evidence more than is necessary for his arguments on law, but in many cases, this will be found to give the prosecutor a horribly wide freedom to comment on the defence evidence at that fatal moment when the court clock is ticking towards the luncheon adjournment and one's early morning skirmishes with the prosecution witnesses have lost their first incisive freshness!

It follows from the fact that the percentage of convictions is said to be higher in motoring cases tried summarily than in other types of cases that the nature and extent of the penalties for motoring offences is usually the hard practical core of motoring law to which a Mackrell question ought to be directed. Defendants invariably are anxious about only one point, that is, whether they will be disqualified. Fortunately, the vast majority are first offenders who are convicted of driving without due care and attention, and to them one can say with confidence that the worst that can happen to them is a maximum of one month's disqualification (Road Traffic Act, 1960, s. 104 and Sched XI). Confidence in giving this reassurance increases with repetition until the day one represents a driver who sins against s. 3 of the 1960 Act (careless and inconsiderate driving) for the first time in his eighty-fifth year. To one's horror the court disqualifies him until he passes a driving test (see Road Traffic Act, 1960, s. 104 (3)). Although the ignominy of being able to drive only under "L" plates and accompanied by a qualified driver means to one's client in fact disqualification for life, he cannot rely on that comforting one month's restriction.

Pleading guilty on a client's behalf

Another trap for the unwary is the black-jacketed motorcyclist who presents you with a summons for exceeding 30 m.p.h. and asks you just to trot along to court and plead guilty on his behalf. "I shan't come myself," he says. "I never bother on these occasions." Alas, on your arrival at court you find that "these occasions" are in fact at least two in number and your client has lost his previous immunity from disqualification (Road Traffic Act, 1960, Sched. XI, para. 22). The court duly disqualifies him for six months, and you cannot even comfort him with the thought that he might apply during the period for removal of the disqualification, for this is possible only where the period exceeds six months (Road Traffic Act, 1960, s. 106 (2)).

There is a wealth of exciting jurisprudence in road traffic law unmentioned by this article. Nevertheless, this particular Mackrell prizeman still searches sadly for an authority on the effect of a car purchased with capital money of the settlement being driven carelessly by that elusive tenant in tail after possibility, or for some obiter dicta on whether that young lady "servant" was really on a frolic of her own in her father's car and thus not insured against third-party risks, as required by the Act!

M. J. G.

GLIMPSES OF AMERICAN LITIGATION

I HAVE no statistics and am thus open to correction, but I have the distinct impression that the Americans are more plentifully supplied with courts per head of the population than we are. Each State has its own judicial system and some States are very small, so that sometimes there are two or more self-contained structures, each with its own courts of first instance and appellate courts, within a short distance of each other even by our standards of distance. In addition to the State courts there is the Federal structure, again consisting of courts of first instance and of appeal. To understand the demarcations between Federal and State jurisdictions requires prolonged study: for example, a man charged with stealing groceries is tried in the State courts, whereas if he steals mail he is tried in the Federal courts.

Political judicial appointments

Unfamiliar to us is the element of party politics in judicial appointments. The system varies from State to State. Sometimes judges are elected directly: we reproduced last week an election poster (p. 792). Elsewhere judges may be appointed by State governors or mayors of cities. While the pressure of public opinion and the tendency of appointors is towards a bi-partisan judiciary, I gained the impression that this pressure is sometimes resisted. It is significant that both Vice-President Nixon and Senator Kennedy have expressly declared themselves in favour of bi-partisan appointments. It follows that judges can and do lose their posts when there are political changes, and if they do they may well return to practice. It is also known, though not widespread, for judges to retire voluntarily and return to practice.

Discarded procedures still in being

American courts have retained until quite recently, and sometimes still retain, vestiges of institutions and procedures which for better or worse we have abandoned. Up to 1948 the courts of Delaware still controlled their practice and procedure according to "the Statute of 27 Elizabeth and the Statute of 4 Anne." They dealt with the replication *de injuria*, the *similiter*, the *absque hoc*, the negative pregnant and the action of detinue. They concerned themselves with pleas of *nul tiel* record, the special writs and all the common-law forms of action. My source of information is Judge David L. Herrmann, a former judge of the Supreme Court of Delaware, who not only supplied me with the text of an address on this subject which he gave four years ago in Alabama, and from which I have quoted, but also generously gave up a large amount of time to explaining the changes which were made.

The object of the changes was to eliminate technicality, surprise and delay and to re-emphasise the ascertainment of truth. In one respect at least procedure in Delaware and in many other States has gone beyond us. According to Judge Herrmann, the most notable development was in the field of discovery and he claims that broad and liberal discovery has revolutionised litigation. "By use of available discovery devices," says Judge Herrmann, "a lawyer may now come to trial almost as familiar with his opponent's case as with his own. The objection to the 'fishing expedition' is repudiated. Surprise has been reduced to a minimum. 'Trial by ambush' has been abolished in the interest of the ascertainment of truth."

Courts encourage settling of cases

One party to an action before the trial may take a deposition from the other party and from any witness whom the other party intends to call. Thus a defendant in a civil action is as fully informed about his adversary's evidence as is the defendant in a criminal trial on indictment in this country.

Equally, the plaintiff may compel the defendant to reveal all his evidence. Opinions differ about the value of this procedure: in some cases it consumes time and money without doing more than emphasise the differences between the parties, while in others it may persuade the parties to settle much earlier than otherwise they might.

The courts in many States appear to use their influence towards settling cases much more than ours. At various stages before the trial there is machinery designed to narrow the issues and to induce the parties to settle. Again, opinions differ about its efficacy but I received the definite impression that its chief value lies in those many cases where both parties are nervous and want to settle but neither wants to lose face by making the first move.

Next week Ohio, New Jersey and New York.

P. Asterley Jones.

JURISDICTION OVER FOREIGN TORTS—IV

In the final article of this series consideration will be given to the applicability of the " double rule " in *Phillips* v. *Eyre* (1870), L.R. 6 Q.B. 1, to the special circumstances of (i) maritime, and (ii) aerial torts committed outside the jurisdiction. Both these problems are potentially of very great importance yet there is, in the first case, a good deal of uncertainty on certain aspects of the English conflicts rules, and, in the second case, almost no reliable authority of assistance. It may be appreciated, however, that the deficiencies inherent in the " double rule " which have been stressed in other connections in the preceding articles are also apparent in these special circumstances.

Maritime torts

An important distinction must be made at the outset between the rules which an English court will apply when determining either jurisdiction or the choice of law relating to, first, acts committed in foreign territorial or national waters, and, secondly, acts committed on the high seas. In the first case it would appear that generally, and subject to the possible qualification to be mentioned a little later, the requirements of the rules in *Phillips* v. *Eyre* must be met if the alleged tort is to be actionable here. That is, the act complained of must not only be actionable here but must not be justifiable according to the law of the *lex loci delicti commissi*—the law of the country in whose waters the act was committed. The line of authority for this proposition may be traced from *The Halley* (1868), L.R. 2 P.C. 193, through *Carr* v. *Fracis Times & Co.* [1902] A.C. 176, to *Yorke* v. *British & Continental S.S. Co.* (1945), 78 Ll. L. Rep. 181, and, most recently, the Scottish decision (discussed at p. 774, *ante*) of *MacKinnon* v. *Iberia Shipping Co., Ltd.* [1955] S.C. 20). The same difficulties apply here, as elsewhere, to the interpretation of the unjustifiability of the act according to the *lex loci* and it is noteworthy that the latest (1960) supplement to the third edition of Halsbury's Laws of England (vol. 7, pt. 6, para. 159) presents the rule as one of actionability both by the *lex loci* and by the *lex fori*. There is also the special problem posed by those torts which may be said to be internal to the vessel, i.e., affecting the life of the ship and not affecting the interests or property of the government or citizens of the littoral State, or of a third State. In such circumstances, it may be asked, does the second of the *Phillips* v. *Eyre* rules—that which would require proof of unjustifiability according to the *lex loci* before an action could be brought in an English court—really serve any valid purpose? Usually, where the act complained of occurred in foreign territorial waters, English courts will not regard the law of the flag State of the vessel as necessarily relevant (*The Mary Moxham* (1876), 1 P.D. 107), but will look toward the requirements or regulations of the local law before testing the actionability of the matter under our own system.

Most of the leading cases are about collisions and breaches of local navigation rules (see, for example, *The Arum* [1921] P. 12) but the decision of the Court of Session in *MacKinnon* v. *Iberia Shipping Co., Ltd.*, *supra*, showed the unfortunate consequences of too rigid an acceptance of the second rule in *Phillips* v. *Eyre* when it held that the law of the Dominican Republic must be applied in the settlement of a claim between Scottish parties arising from an entirely internal accident on board a Scottish vessel at anchor in Dominican waters. The rejection of the law of the flag State in favour of a totally illusory *locus delicti* seems, with respect, absurd in circumstances such as these; yet the traditional interpretation of the rule would, as Halsbury insists, involve that " the circumstance in which the ship was in foreign waters is irrelevant, and it makes no difference that the tort was purely an act internal to . . . the ship " (op. cit.). The American " Restatement of the Conflict of Laws " (1934), however, does not hesitate to invoke the law of the flag State if, in the words of s. 405, the alleged tort " affects only the internal economy or discipline of the vessel "; in all other circumstances it would be necessary to examine the local law of the littoral State. Such a distinction appears reasonable and appropriate; it will not be made by English courts as the law stands at present.

Acts done on the high seas

Turning now to acts done on the high seas, it is clear that a different principle applies. In the simplest cases, where only one vessel is involved, there is no difficulty in applying the basic principle that torts committed on board vessels upon the high seas are regarded as having been committed in the country to which the vessel belongs; the *lex loci* is the law of the flag State, or, if that state should comprise more than one country, the law of the place where the vessel was registered. Once the *lex loci* has been established according to this principle then the two rules in *Phillips* v. *Eyre* will come into operation and the English courts will test for the actionability of the alleged tort by the *lex fori* and its unjustifiability by the *lex loci*. Thus, if one passenger on a foreign liner negligently injures another passenger, and an action is brought before an English court, it will in very many cases be extremely important to ascertain exactly the position of the vessel at the time of the incident, since the *lex loci* will depend upon that position; so also in the case of an English liner in foreign territorial waters, but, of course, in the case of a tort committed on board an English vessel on the high seas the *lex loci* and the *lex fori* will be one and the same—English law.

The more difficult cases concerning maritime torts upon the high seas are those in which more than one vessel (and more than one flag State) is involved. The question here is

whether or not, instead of searching for an amalgam of the *lex loci delicti commissi* from amongst the local laws of all the countries concerned, one may assume, *for the purposes of the English conflicts rules*, that the true place of the wrong is immaterial and that general maritime law may be allowed to represent the *lex loci*. There is much to be said in favour of such an argument since, as Dr. Cheshire has said (Private International Law, 5th ed., p. 286), no State enjoys exclusive jurisdiction over the high seas and there is no logical necessity to equate the law of the flag State, in maritime torts, with the *lex loci* of torts committed on land. In a number of instances, mostly collision cases, English courts have been prepared to take this view; in the words of Lord Esher, M.R., in *Chartered Mercantile Bank of India* v. *Netherlands India Steam Navigation Co.* (1883), 10 Q.B.D. 521, at p. 537:—

> "The high seas . . . are subject to the jurisdiction of all countries . . . The question of negligence in a collision raised in a suit in this country is to be tried, not indeed by the common law of England; but by the maritime law which is part of the common law of England as administered in this country."

According to this view the *lex loci* would consist of those rules of maritime law which have become accepted as a part of English municipal law—rules derived from the common usages and practices of the sea. Actions in an English court which arose out of alleged torts involving more than one flag State, or more than one vessel, would therefore be governed entirely by English law. There is no leading authority directly in point on this aspect of the second rule in *Phillips* v. *Eyre* but dicta in *Submarine Telegraph Cable Co.* v. *Dickson* (1864), 15 C.B. (N.S.) 759, per Willes, J., at p. 779, *Lloyd* v. *Guibert* (1865), L.R. 1 Q.B. 115, per Willes, J., at p. 125, and *Davidsson* v. *Hill* [1901] 2 K.B. 606, per Phillimore, J., at p. 618, tend, it is submitted, to support the words of Lord Esher, M.R., cited above, and the doctrine has found support in some recent Scottish cases. An obvious criticism is that this view tends to give overwhelming importance to the *lex fori* and that the name "common law of the sea" conceals from no one the fact that English law is the law governing the case. Yet the body of general maritime law accepted into the municipal law of England does, in fact, include both internationally known principles and usages and many rules which are derived from principles of English law. To call in aid such a body of law, when the *lex loci* of an alleged tort would otherwise have to be arrived at either as a result of strained interpretation or uneasy compromise, does not seem to the present writer to be illogical or unreasonable. The search for such a solution is, however, itself an indication of the inadequacy of the rules in *Phillips* v. *Eyre* when transposed to the field of maritime torts.

Aerial torts

There is here, in a field of great potential interest and importance, no judicial authority with respect to torts committed on board aircraft. It might be assumed, on analogy with the fundamental rules concerning jurisdiction over foreign torts discussed in the earlier articles, that the extent of jurisdiction enjoyed by an English court over a tortious act alleged to have been committed in an aircraft flying either over England or over a foreign country could be determined by the application of similar principles to those governing torts on land. The first rule in *Phillips* v. *Eyre*, requiring the actionability of the alleged wrongful act according to English law, could easily be applied. But what of the *locus delicti?* Is it the country over which the aircraft is flying at the time of the tort, or is it the country where the aircraft is registered? In terms of the second rule in *Phillips* v. *Eyre*, does the English court have to test the unjustifiability of the act according to the law of the geographical locality of the tort, or according to the law of the so-called nationality of the aircraft? Either test might result in the consideration of a legal system totally removed from the circumstances or the consequences of the tort—for example, an assault committed by one passenger upon another which results in an action for damages before an English court. The geographical locality of the tort would seem, in present aviation conditions, to be completely useless as a guide to the *lex loci;* however, if the tort were committed whilst the aircraft was flying over the high seas then an analogy with the rules discussed earlier in this article should be possible. In such a case, if only one aircraft is involved the *lex loci* ought to be the law of the nationality of the aircraft; if more than one aircraft nationality is concerned then an English court might be entitled to assume that English common-law rules (or maritime law rules in collision cases) could adequately take the place of the *lex loci*. Although these are, for the moment, academic propositions only, there is an urgent need for English law to consider whether the law of an aircraft's country or place of registration can, or should, be equated with the law of the flag State of a ship. It may be possible for international agreements to help in the solution of this problem, but such agreements are not to be expected until at least there is general acceptance of the limits of territorial jurisdiction of a State upwards into the airspace above it. At the moment there seems to be no authority for drawing such an analogy, at least in English eyes, between the flag State of a vessel and the place of registration of an aircraft. This, it is submitted, is an unfortunate consequence of the widely held view (supported by the practice of a number of States) that the subjacent country has absolute jurisdiction over its airspace. Accordingly, torts committed on board aircraft are a matter for the jurisdiction of the courts of the country to which the airspace belongs at the time of the act complained of. It seems likely that an English court would take this view if called upon to consider the *lex loci* of an aerial tort; it is, however, a view which could produce absurd conclusions in the more complicated cases.

If one seeks to bring an action for damages against a carrier by air who is a party to the Warsaw Convention, then such an action may be heard by (i) a court having jurisdiction at the place where the carrier is ordinarily resident, (ii) a court at the carrier's main place of business, (iii) a court at the place where the carrier has an establishment by which the contract was made, or (iv) a court having jurisdiction at the destination point of the transaction.

(*Concluded*) K. R. SIMMONDS.

TOWN AND COUNTRY PLANNING (USE CLASSES)

The Town and Country Planning (Use Classes) (Amendment No. 2) Order, 1960 (S.I. 1960 No. 1761), which came into force on 1st October, amends the Town and Country Planning (Use Classes) Order, 1950, so that the conversion of a shop or office for use as a betting office will require planning permission, and amends and rearranges special industrial groups listed in the 1950 Order to take account of new processes and changes of nomenclature and phraseology.

SUICIDE AND THE FATAL ACCIDENTS ACTS

THE view was expressed in Current Topics at p. 770, *ante* (following from the unreported decision of Davies, J., at York Assizes on 16th June), that sane suicide is necessarily a *novus actus interveniens* and as such breaks the chain of causation. It is submitted that this view is misconceived.

Two general propositions are established: first, a tortfeasor is liable for all the direct, though unintended, consequences of his tort: *Re Polemis and Furness, Withy & Co.* [1921] 3 K.B. 560 (intended consequences are never too remote); and second, a tortfeasor must take his victim as he finds him: *Bourhill* v. *Young* [1943] A.C. 92. A proposition which has not yet been established may also be stated: the expression *novus actus interveniens* is meaningless. It is true that the consequences of a tort have often been held indirect and therefore remote on the ground that there is a gap in the chain of causation due to a *novus actus interveniens*. This is an example of confused thinking. There is no valid distinction between direct and indirect consequences. What is actually meant is that a consequence is deemed not to be a consequence. If there were in fact a gap in the chain of causation, the damage would not be a consequence of the tort at all and there would be no question of tortious liability. The courts do not indulge in scientific considerations of causation. Instead an artificial line is drawn on the facts of each case, and an analysis of the cases indicates the rough test, not consciously applied, of foreseeability—that is, a consequence will be too remote if it is not foreseeable.

Davies, J., did not draw his line before the suicide. Having first found on the facts, as he must have done, that the tort was a *causa sine qua non* (not necessarily the *causa causans*) of the suicide, it necessarily followed that the suicide was a consequence of the tort, whether the deceased was sane or insane. There would be no logic, only perhaps expedience, in deeming the suicide, already found to be a consequence, not to be a consequence. Further, it is suggested that there is no essential distinction between a victim with an eggshell skull and a victim with a propensity to suicide.

However, Davies, J., does not lead the field: his decision was preceded by that of Pilcher, J., in *Pigney* v. *Pointers Transport Services, Ltd.* [1957] 1 W.L.R. 1121. In that case the plaintiff's husband had been injured when a crane fell, owing to the defendants' negligence, and struck him on the head. He had always been subject to fits of mental depression, which were greatly aggravated by the accident, and later he committed suicide. The medical evidence was that if it had not been for the aggravation of his mental depression produced by the injury he would not have committed suicide. Accordingly, it was held that the suicide was directly traceable to the defendants' neglect in letting the crane fall.

The Current Topics note above referred to also poses the question: can the dependants of a felon suicide recover? This question was also answered by Pilcher, J., in *Pigney's* case, where the deceased had been suffering from mental depression but was not insane within the McNaghten rules and was thus guilty of felony. His estate could not have recovered any damages in respect of his death since it would be contrary to public policy to allow even the estate of a criminal to profit by his crime: see *Beresford* v. *Royal Insurance Co.* [1938] A.C. 586. However, Pilcher, J., decided that this principle should not prevent the deceased's widow recovering damages under the Fatal Accidents Acts because the widow's action is a personal right and what she gets does not go into the estate of the deceased at all but represents her own personal loss.

J. T. F.

* * * * *

Our contributor writes:—

The views expressed in the Current Topic referred to were intended to stimulate thought and not to lay down any particular proposition of law. The question posed was whether or not the suicide of a "sane" man could be said to be a direct result of a particular accident. In the light of Pilcher, J.'s decision in *Pigney's* case the position would seem to be that legal sanity cannot be regarded as sufficient in itself to make a suicide a *novus actus interveniens*; but in that case the chain of causation was clear because the accident caused mental disturbance (not amounting to insanity within the McNaghten rules) which caused the suicide. On the test of foreseeability, suicide due to mental disturbance would be a direct result of the injury; suicide by a completely "sane" man, using that term in the ordinary meaning, would be too remote—would, in fact, be a *novus actus interveniens*.

It is, of course, quite correct to point out that Pilcher, J., in *Pigney's* case, held that a widow could recover under the Fatal Accidents Acts even where the death of her husband was the direct result of his felony; the writer had unhappily overlooked this decision. But what is meant by saying that Davies, J., must have found "that the tort was a *causa sine qua non* (not necessarily the *causa causans*) of the suicide"? Surely this distinction is a pedantic one which is now recognised as being untenable? As for the proposition that the expression *novus actus interveniens* is meaningless, it would take up too much space to discuss this; but it may perhaps be suggested that if the phrase did not exist, it would have to be invented—as Voltaire said of God.

Wills and Bequests

Mr. WILLIAM ERNEST CORLETT, solicitor, of Liverpool, chairman and managing director of Higson's Brewery, Ltd., left £295,763 net.

Mr. ARCHIBALD HAIR, retired solicitor, of Westminster, formerly of London, E.C.3, left £87,580 net.

Mr. WILLIAM VAUTIER PATERSON, retired solicitor and company director, of Campden Hill Court, London, W., left £114,677 net. His bequests included £500 "in memory of 'Duck's' kindness to a young cricket enthusiast knocked over on his first appearance at the then short school nets as a fag" to the Charterhouse School tercentenary fund; £1,000 to the governing body of Charterhouse School, to be used for the preservation of drawings, paintings, engravings and etchings presented by him to the school together with the pencil and watercolour drawings done by him and his sketch book; and £5,000 and a bracket clock and a fire screen to Exeter College, Oxford, "where I have spent many happy days," as a contribution towards the Exeter College "Corner Building Fund."

" The Solicitors' Journal "
Friday, October 14, 1960

LAW IN A COOL CLIMATE—VII

" I UNDERSTAND," said Mr. Bear to Sir Ambrose Leeward, " that in the country of Refrigia you operate a system of registered title somewhat similar to that which we have in England. May we see the land registry ? "

" I cannot undertake to show you *the* land registry," said Sir Ambrose. " You must remember that Refrigia is very nearly as big as England so that it would be most inconvenient to have a single land registry. I know of course that you have a single land registry in England, but then I was about to pick you up on your remark that a system of registration of title exists in England. With the utmost courtesy, I must deny that such a system exists."

Mr. Bull exploded, not for the first time. " Exists ! " he exclaimed. " Of course it exists. What is more it is beginning to spread to the provinces."

" I am sorry," said Sir Ambrose, " you misunderstood me. I do appreciate that in England some tentative fumblings have been made by an under-staffed Government department in the way of preliminary experiments ultimately leading in the general direction of registration of title. But to say that you have a system of registration of title is simply not true. Your experimental system might be described as a partial registration of title. May I quote a hypothetical parallel that illustrates why your system does not amount to real registration ?

No overriding interests

In Refrigia, as in England, we direct traffic at busy cross-roads by means of coloured traffic signals. You are as familiar with this as I am. But suppose that in some quite different country traffic signals were used, but that they only had to be obeyed by motor buses and taxis, leaving the lorries, vans, the motor cars, the bubble cars, the motor bicycles and the bicycles free to collide as they chose. What would be your opinion of such a form of traffic control ? You would, I am pretty sure, say that it was worse that no system of traffic control at all. It is nevertheless an exact parallel to the so-called system of registration of title existing in England. In your country, a registered title is said to guarantee something but in fact it guarantees precious little. It guarantees a few obvious things, the sort of thing that a solicitor could check in a few minutes by sifting through a set of title deeds, but it dismisses a great many highly important topics as being too difficult to admit of registration. If I may refer you to s. 20 of the Land Registration Act, 1925, you will there find a list of no fewer than twelve groups of what are called ' overriding interests.' These twelve paragraphs do not merely describe twelve kinds of ' overriding interest.' They set out, in pretty general terms, twelve categories in each of which a host of damaging incumbrances are included. Although local land charges are referred to in para. (i), no direct reference is made at all to town planning, which has become in England the greatest of all incumbrances to title. Nothing is said about road improvement lines or statutory processes initiated by housing authorities which are boiling up to but have not yet reached the stage of an order which will in due course become a local land charge.

The parallel with traffic signals that only control buses and taxis is exact. Your system blandly ignores 90 per cent. of the disadvantages that attach to land and leaves them to be attended to by the solicitor in charge of the job (without payment). It is moreover based on printed plans that are nearly always too small to read, it has not been up to date with its work for years and, having found the problem of dealing with personal callers rather difficult, it is now in process of hiding itself away where nobody can find it.

Yet I believe that the opinion of most solicitors in England is in agreement with the opinion of solicitors in Refrigia, namely, that registration is the right way of dealing with titles provided the job is properly run.

Land registry in every town

We have a land registry in every major town. Land registration is an activity which by its very nature demands to be de-centralised. You are dealing with immovable land and, except on the margin of each district, land in one area cannot have any bearing on land in another area. The work is largely carried out by a staff of surveyors who must be continually travelling. Therefore they need to be de-centralised. Land is nearly always bought and sold by people who live near to it and to them also de-centralisation is an advantage.

Above all, title to land (I use the word ' title ' as we think of it in Refrigia) is constantly being affected by the actions of local authorities. Therefore we make the county council run their own land registries, one for each county. We use very large-scale plans. The sheets are all the same size, about a square yard. If the area of land involved is too large for that size plan, then we add further plans of the same size. The plans fold up conveniently and have the advantage over your land certificates that the title number and the name of the owner appear on the back so that you know what you are dealing with without having to unfold the whole document.

Inside, the plan discloses everything. Rights of way, particulars of financial outgoings, road-widening lines, town planning zoning, local land charges, preliminary warnings of local authority action which is under way, and of course the obvious things like ownership, charges and restrictive covenants. These plans are not only invaluable to private property owners. They are indispensable to the local authorities, too. If they need to lay a new water main, they only have to lay out the route across the map of registered titles and they can tell at once what ownerships they are going to affect. In England, I am told that local authorities have to send surveyors to ask questions of local people to find out to whom land belongs. No wonder you are short of surveyors.

It took us ten years to bring our system into effect and we completed the process some twenty years ago. During the ten-year period we advertised again and again for claimants who alleged they held some sort of right over another man's land and, where they proved their cases, their claims were entered on the registered title. After the ten years were over, every alleged right which was not registered was automatically made void.

Restrictive covenants

We still register restrictive covenants where they appear to serve a useful purpose, but we found by a careful examination of the problem that the majority of old restrictive covenants have been rendered obsolete by town planning restrictions which perform the same purpose in a more reliable way. In such cases, we have deleted the restrictive covenants from the title. When a restrictive covenant is more than thirty years old, we notify all persons believed to

have any interest in its enforcement, we also advertise, and unless we are satisfied after inquiry that it is still of importance to some individual that these restrictive covenants should remain alive, then again we delete them from the register.

Land registries are paid for out of the local taxes, what you would call the rates. We abolished rates and substituted local taxes a generation ago but the effect is the same, the locality pays for the provision of a land registration service. Then, like education and the police, it is available to everyone who needs it, free of charge.

Solicitors' costs

Solicitors are paid costs in Refrigia for handling conveyancing matters on an ad valorem basis, not unlike the English system, except that the charges are rather higher at the bottom of the scale and do not increase so much at the top. We soon discovered the mistake of thinking that a perfect system of land registration, like ours, enabled the public to handle their own land transfers. Far from it. Although everything in the nature of a legal interest, an equitable interest or an incumbrance is there on the register, set out completely and reliably, nevertheless reading the register is not even half the battle. What matters is not simply the incumbrances that exist but the meaning of those incumbrances and the effect they are likely to have on the purposes of the purchaser. Indeed, we lay such a perfect and comprehensive view of the state of the title before the intending purchaser's solicitor, that he has to take very great care over advising the purchaser about all the implications of the different matters which have been registered. Registration does not make the work easier. It makes it more complete and more reliable and means that for the first time in history the purchaser can really know everything about the land he is going to take over before he pays for it. There are of course no transfer documents that a lawyer would dignify with the name of documents, but in Refrigia we long ago formed the view that a solicitor is more professionally employed when advising a client than when preparing elaborate pieces of paper to effect mechanical tasks.

While we are driving in the car to the airport perhaps I can in conclusion tell you one or two things about solicitors in Refrigia."

The party walked out to their waiting car outside the hotel. It stood waiting by a sign indicating that at that particular spot parking was permissible. Sir London looked thoughtfully at the parking sign and then back at the hotel he had walked out of. "Would this parking sign," he said, "being a matter of some importance to the hotel, appear on the hotel's registered title?"

"Of course it would," said Sir Ambrose as they got into the car.

(To be concluded) E. A. W.

Landlord and Tenant Notebook

AGRICULTURE: CONTRACTING OUT

In dismissing the appeal in *Gladstone* v. *Bower* [1960] 3 W.L.R. 575 (C.A.); p. 763, *ante*, the Court of Appeal substantially adopted the reasoning followed by Diplock, J., at first instance ([1959] 3 W.L.R. 815), Devlin, L.J., complimenting him on that reasoning. As the "Notebook" discussed the decision at the time (103 Sol. J. 891), I do not propose to say more about the appeal than that it re-affirmed that a tenancy for eighteen months does not create "an interest less than a tenancy from year to year"; consequently the Agricultural Holdings Act, 1948, s. 2 (1), cannot apply to it. The judicial view is that the gap in the protection is accidental, and I would surmise that those responsible overlooked the authority of *Doe d. Plumer* v. *Mainby* (1847), 10 Q.B. 473, and assumed that a yearly tenancy, like other periodic tenancies, could not be determined by a notice expiring with its first period.

The decision appears, however, to have aroused interest in the question of contracting out. The case was not one of contracting out; what happened was that the parties "arranged a form of letting which was outside the scope of the Act": cf. *Maclay* v. *Dixon* (1944), 170 L.T. 49. Avoidance, not evasion. While I regard the prospect of succeeding in contracting out of the main provisions of the Agricultural Holdings Act, 1948, i.e., those concerning compensation and security of tenure for a tenant, as pretty hopeless, I will suggest such points in favour as may occur to me.

Renunciation

Cuilibet licet renuntiare juri pro se introducto. In *Griffiths* v. *The Earl of Dudley* (1882), 9 Q.B.D. 357, a collier had, when the Employers' Liability Act, 1880, came into force, undertaken, for himself and his representatives, to look to the funds of a club or society for compensation sustained in his employment, whether resulting in death or not, and had agreed that his employer should not be liable in respect of any defect, negligence, act or omission under the Act. He was killed as a result of negligence on the part of an inspector of machinery. His widow brought proceedings (as widow, not as personal representative) under the Act and the county court judge held that the contract was void as being against public policy.

The employer's appeal succeeded. Field, J., took the view that it was doubtful whether, where a contract was said to be against public policy, this did not mean some public policy affecting all society; that, as to frustration of the Legislature's alleged intention to protect workmen against imprudent bargains, they were as a rule perfectly competent to make reasonable bargains for themselves; and Cave, J., referred to interference with freedom of contract. I will revert to these observations later.

Express words

It is, perhaps, at first sight, strange that the now familiar words "notwithstanding any agreement to the contrary" occur in some of the sections of the Agricultural Holdings Act conferring benefits on tenants but not in others. For instance, they occupy a separate subsection, s. 3 (4), in the main security of tenure provision (which was the one relied upon by the tenant in *Gladstone* v. *Bower*), but not in s. 2, which concerns restrictions on letting land for less than year to year. The various provisions which actually confer rights to compensation omit them.

I do not suggest that a giant has been raised, but, if it could be deemed such, slaying is not very difficult.

Freedom of contract

The first of the series of statutes dealing with our subject was the Agricultural Holdings (England) Act, 1875, and its s. 54 ran: "Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect any such agreement as they think fit, or shall interfere with the operation thereof." The next, the Agricultural Holdings (England) Act, 1883, after providing that compensation for future improvements could be agreed and substituted for compensation under the Act (s. 3), avoided any agreement which would deprive the tenant of his right to statutory compensation—except one providing for permitted substituted compensation (s. 55). This began a process which has been going on ever since. If at the time when *Griffiths* v. *The Earl of Dudley* was decided workmen, and presumably tenant farmers, *were* perfectly competent to make reasonable bargains, the process would never have been started; but experience showed that most tenants were signing agreements by which their landlords contracted out of the Act in force at the time. In a case which I shall presently refer to, *Soho Square Syndicate, Ltd.* v. *E. Pollard & Co.*, Farwell, J., spoke of people being easily persuaded to give certain consents without knowing what exactly was involved; in the case of agricultural holdings, ignorance may have played a part; so may respect for the squire; so may economic reality—excess of demand over supply. At all events, the Legislature manifested an intention not to permit contracting out of statutes regulating the relationship between landlord and tenant.

Public policy

The effect of changing conditions was illustrated by the decision of Farwell, J., in *Soho Square Syndicate, Ltd.* v. *E. Pollard & Co.* [1940] Ch. 638, holding that the Courts (Emergency Powers) Act, 1939, restrictions on enforcing mortgages without leave of court could not be waived. In the case before him, a retired naval officer, holding property in trust for the plaintiffs, had consented to the appointment of a receiver. Corresponding legislation enacted in the first world war had produced authority—the Courts (Emergency Powers) Acts, 1914 and 1916, the relevant provisions being couched in very similar language and there being no express prohibition of contracting out—showing that the rights conferred were personal and could be waived.

Farwell, J., reasoned as follows: "Where in an Act there is no express prohibition against contracting out of it, it is necessary to consider whether the Act is intended to deal with private rights only, or whether it is an Act which is intended, as a matter of public policy, to have a more extensive operation." The learned judge then referred to the change in the position between mortgagors and mortgagees which had taken place since the last war, in particular the amount of business with building societies, etc., for the financing of persons in comparatively humble circumstances who desired to acquire homes. If a mortgagee could avoid having to seek leave merely by getting the mortgagor's consent, a large part of the intended protection would virtually disappear. Underlying this Act of Parliament was the clear intention of the Legislature to afford some measure of protection to the very large class of persons mentioned, "people who required to be protected, as it were, against themselves."

Intention

I would not like to suggest that all tenant farmers require to be protected against themselves, but it does seem clear that the Agricultural Holdings Act, 1948 (which, it may usefully be remembered, was originally Pt. III of the Agriculture Act, 1947), was aimed at promoting the production of food for the community and as a means to this end afforded protection, more protection than had been enjoyed before, to such tenants. The stern language of the security of tenure provisions: "... shall, instead of terminating on the expiration of the term for which it was granted, continue" (s. 2), or "A notice to quit ... shall ... be invalid if it purports to terminate the tenancy before the expiration of twelve months" (s. 23), suggests that no contracting out would be tolerated; and, as to compensation, s. 65 (1), with its "Save as *expressly* provided in this Act, in any case for which apart from this section the provisions of this Act provide for compensation, a tenant or landlord shall be entitled to compensation in accordance with those provisions *and not otherwise*, and shall be so entitled *notwithstanding any agreement to the contrary*," made insertion of the "notwithstanding" clause in the various sections unnecessary, and has left very few opportunities for bargaining.

Those who like to indulge in negotiation may like to be reminded that *Premier Dairies, Ltd.* v. *Garlick* [1920] 2 Ch. 17, would support the proposition that there may be contracting out of the right to remove fixtures now conferred by s. 17 of the 1948 Act; nor does there seem to be any great objection to an agreement not to apply for a fixed equipment direction under the Agriculture Act, 1958.

R. B.

THE MAGISTRATES' ASSOCIATION

The fortieth annual report of the Magistrates' Association, 1959-60, includes reports from more than forty branches and memoranda of evidence submitted by the Council to the Royal Commission on the Police, the Departmental Committee on the Probation Service, and to the Home Secretary's Advisory Council on the Treatment of Offenders on the subject of the possible re-introduction of corporal punishment. Details are also given of over one hundred meetings and conferences of magistrates held by the Association and its branches during the year. Matters of special interest considered by the Association included penalties for road traffic offences, which were the subject of a resolution passed at a special meeting of the Council in November, 1959, custodial treatment for young offenders, detention centres, adoption, the revision of the licensing laws and the law relating to clubs and committal proceedings before magistrates' courts. The Association was also asked for its views on various legal measures which passed through Parliament during the year, notably the Betting and Gaming Act, the Matrimonial Causes Act, and the Road Traffic and Roads Improvement Act. The Association's membership is now nearly 10,500.

The annual general meeting of the Association begins in London on 20th October, when Lord Denning will be the guest of honour at a luncheon and Lord Justice Devlin will address members in the afternoon. It continues on 21st October, when the Lord Chancellor will give his presidential address in Guildhall.

LOCAL GOVERNMENT SUPERANNUATION

The National Insurance (Non-participation—Local Government Staffs) Regulations, 1960 (S.I. 1960 No. 1725), which came into force on 1st October, empower the Minister of Housing and Local Government to act in the place of the employers and apply for certificates of non-participation in respect of superannuable local government employees who are to be contracted out of the graduated national insurance scheme introduced by the National Insurance Act, 1959.

Ministry of Housing and Local Government Circular No. 53/60, which draws attention to the regulations, announces that the levels of pay above which it is proposed that local government employees should be contracted out are to be £13 a week for men and £12 for women.

HERE AND THERE

PLANNERS' VISION

WHEN Town and Country Planning came to birth, its parents and godparents seemed to see about its cradle the rosy dawn of a perfect Britain. After the chaos of war, all was to fall into ordered beauty—a place for each thing and each thing in its place—dreaming flat blocks here; garden cities there; compact shopping centres that should each be an inexhaustible cornucopia of varied plenty; light industry (so light that you scarcely noticed that it was industry at all) neatly sited to ensure the greatest happiness of the greatest number of workers; heavy industry purged of all its grime and grimness and garbed only in grandeur; offices that were all sweetness and light; the whole girdled with green belts; the country one vast parkland. Here was to dwell a gay, exulting, gentle race. If the phrase "a land fit for heroes to live in" had not been unfortunately discredited by the sequel to the 1914–18 war, it would almost certainly have been invented somewhere about 1945. Fifteen years after, one may wonder what has become of the Planners' Paradise.

DIVERGENT ENDS

THE trouble with the Planners' vision was that they presupposed unanimity about the sort of Britain that was to be produced. When a patient, no matter how battered, lies on the operating table, his medical advisers have at least a perfectly clear idea of the shape they wish him to be in when he leaves the theatre. His scalp will be at one end; his toes will be at the other; his digestive organs will be in the middle; there will be no drastic rearrangement of his eyes, his nose, his mouth. There will be no suggestion of grafting wings on to his shoulder-blades or gills on to his breathing apparatus, any more than an attempt will be made to elongate his nose to a trunk or make his feet prehensile. Any of these changes, no doubt, could be said to have manifest advantages but so far operations have not been complicated by differences of opinion along those lines. But the Planners are in no such unanimity. The body of Britain lies upon their operating table and one surgeon is enthusiastically sawing off the very limbs that another is trying to reset. One surgeon sees the patient as a classical Apollo; another sees him as a bio-chemical spaceman; another sees him as a unit of personnel in a thermo-nuclear factory system. The differences of aim produce notable divergences of plan. The quite simple fact is that one man's Paradise is another man's Purgatory, but no one can ever believe it about his own particular Paradise.

CIVIL STRIFE

THE result so far has been that in the matter of arranging Britain we are living in a state very like the initial stage of a civil war, the stage of isolated skirmishes and marches and counter-marches before the fighting has settled down into established fronts protecting defined territories with unified forces under a single command. The very houses that those of one way of thinking tear down, when they are in control, as unfit for human habitation, are sought out and cherished and restored by those of the other way of thinking when they are in control. At their most extreme those of one party would deny the very right of those of the other to live in a house more than twenty years old, while those of the opposition would almost deny the right of anybody to put up a new building anywhere, or to demolish any dilapidated old nuisance. But there are many degrees between the two extremes. At present there is indiscriminate unco-ordinated guerilla warfare. Big battalions of mechanised speculators lay waste traditionalist territory to build their steel and concrete blockhouses. Traditionalists rally suddenly and unexpectedly to repel an attack on some key position. Unless something is done quickly and drastically the *rus in urbe* of Hyde Park will soon be dominated, overshadowed, permanently overcast by the giant alien block of the Clore-Hilton hotel; while away to the north-east, resuscitated among what has come to be regarded as a desert of inconsiderable slums, Canonbury is re-creating the Georgian grace of a wholly different concept of human living. I suppose some people really do like living in 36-storey cliff dwellings. I hope the fancy for it is not just a fiction of a few millionaire real property speculators, local government officials and building combines. But, accepting it as a genuine preference, for heaven and earth's sake put them in a setting of their own. For heaven and earth's sake don't intrude them where they don't belong. You don't pour gin into the claret or vodka into the burgundy. Yet that would do far less damage than the sort of jungle jumble "development" that is visually destroying England.

RICHARD ROE.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

Non Est Factum

Sir,—In your comments on the case of *Carlisle and Cumberland Banking Co.* v. *Bragg* and on the recent Australian decision on similar facts (contained in your issue of 23rd September, 1960, at p. 750) you state: "Distasteful though it may be, it would seem that an English court would have been compelled to reach the same decision."

I cannot agree that the law is distasteful. The plaintiff in these cases is normally some large concern which sends out a printed guarantee form to the principal debtor requesting the latter to have somebody sign it. This leaves the way open for all sorts of fraud on the part of the principal debtor and it is not right that a person who is approached by another, whom he may regard to be a friend, and asked to sign "a reference," should be held liable merely because he trusted his "friend" and did not insist upon reading the whole document. The plaintiff if he desires additional security has a simple remedy—he has only to send out his representative to see the proposed guarantor and explain to him the legal consequences of his signing the form.

I might also add that the *Carlisle* case was followed in the recent case of *Imperial Tobacco* v. *Sud* (Liverpool Summer Assizes, 1959, unreported as far as I am aware) where Ashworth, J., did not express any opinion as to the desirability of the law. The facts there were that the debtor covered up most of the form and asked the defendant to sign it at the bottom assuring him it was a reference. Although the word guarantee was written in large letters where the defendant signed, judgment was given for the defendant as he did not understand what the word guarantee meant.

S. H. JACKSON.

Liverpool, 2.

REVIEWS

Shaw's Guide to the Betting and Gaming Act, 1960. By the Rt. Hon. LORD MESTON, of Lincoln's Inn and the Middle Temple, Barrister-at-Law. pp. iv and (with Index) 116. 1960. London: Shaw & Sons, Ltd.; Jordan and Sons, Ltd. 15s. net.

This book does not provide an exhaustive analysis of the former law relating to betting and gaming, but it seeks to explain in ordinary and straightforward language the meaning and effect of the Betting and Gaming Act, 1960. Time alone can tell whether the author's views as to the interpretation of these novel statutory provisions will be shared by the courts. For example, at p. 38, he says that s. 17 of the Act of 1960 "legalises the practice whereby fruit machines are installed in such places as golf clubs and the profits are devoted to the funds of the club." In the light of the recent decision of the Huddersfield magistrates (see p. 787, *ante*), can it be said with certainty that such profits are devoted to purposes other than "private gain"?

The work, which is well written and conveniently and methodically set out, contains the text of the Betting and Gaming Act, 1960, and a timetable for applying the Act is given as a supplement. Solicitors will find this book a useful guide to a very important piece of legislation.

Nationality and Citizenship Laws of the Commonwealth and of the Republic of Ireland. Volume 2. By CLIVE PARRY, LL.D., Barrister-at-Law. pp. xxiv and (with Index) 260. 1960. London: Stevens & Sons, Ltd. £4 4s. net.

Less than three years ago, in reviewing what is henceforth to be known as vol. 1 of this work, we remarked how the modern development of its subject had swollen the space necessary for its adequate presentation until Dicey's simple chapter on Nationality had grown into a thousand-page treatise. With further reorganisations within the Commonwealth forming so frequent a feature in the public news, nobody will be surprised that Dr. Parry has found occasion to add to his text by as much as a third of its former length. He has done this in a second volume, bringing the composite work down to 1960.

It is in every sense a continuation of the former volume, the page numbers running on, and the original layout being retained. The content is of two kinds. The author has set out in the manner of a linked supplement the new matter which affects existing chapters; and has added four new chapters to deal with Singapore, Malaya, Rhodesia and Nyasaland, and Ghana. As in vol. 1, the texts of the relevant statutes, both of the United Kingdom and of the Commonwealth countries in question, are fully reproduced, with annotations, illustrations where appropriate, and comment.

It is scarcely necessary to add that the whole study is informed with Dr. Parry's customary scholarship; and that the work is quite indispensable to all who have concern with the welter of statutory verbiage within which lies the key to the personal status of many who have been so unconventional as not to be born in their fatherland and to stay there.

A Manual of International Law. Fourth Edition. By GEORG SCHWARZENBERGER. pp. xviii and 382. 1960. Published under the auspices of the London Institute of World Affairs. London: Stevens & Sons, Ltd. New York: Frederick A. Praeger. Two volumes. £4 4s. net.

This new edition of the well-established Manual presents a notable change in form as well as considerable re-writing of parts of the text. For the first time the work is in two volumes (and is therefore now expensive for a student's first text-book); the first volume contains the survey of the elements of international law and the second volume has the most valuable study outlines, extracts from documents, tables, etc. The work is still, as it has always been since the first edition in 1947, a thoughtful and provocative conspectus of the whole field of public international law bound together by the author's distinctive inductive approach. It still has the merit of being useful both to the beginner in this subject and to the advanced student or even (because of its very full documentation) to the specialist practitioner. Much of the text has been substantially redrafted—one may mention the chapters on the relation between municipal law and international law, on the fundamental principles of international customary law, and on international institutions. The whole work is now perhaps the most comprehensive medium-sized treatment of the subject in the English language; whether or not one accepts the author's inductive approach, the Manual can be read with profit by anyone, professional or non-professional, who takes an intelligent interest in this fascinating and vitally important field of law.

A Casebook on the Conflict of Laws. By P. R. H. WEBB, M.A., LL.B. (Cantab.), and D. J. L. BROWN, M.A., LL.B. (Cantab.), of the Inner Temple, Barrister-at-Law. 1960. pp. xlix and (with Index) 478. London: Butterworth & Co. (Publishers), Ltd. £2 12s. 6d. net.

This is neither a text-book nor a casebook of the pattern usually to be found in this country. The authors have attempted to provide a combination of cases and material for this subject in a manner similar to that adopted in Nathan's "Equity through the Cases." Accordingly, they have culled a series of (well-chosen) extracts from the leading cases and have added extracts from relevant statutes and from the leading treatises. To this body of material they themselves provide linking comment and interpretative notes, together with references for further reading or research. The earlier chapters have also specimen problems or questions relating to the preceding text; these are designed to test the student's grasp of the general principles and basic rules.

One must give all credit to the joint authors for a most courageous and well planned enterprise; the book is certainly a great improvement on any of the existing orthodox casebooks and will provide a starting point both for collective and individual study. The authors have wisely omitted certain topics usually found in Conflicts text-books but have perhaps been cavalier in their exclusion of a large number of the fundamental foreign cases. The materials are very clearly and succinctly presented and the commentaries are lively and stimulating. This is a good book for the student with initiative; it will be given a warm welcome by most teachers of the subject.

Income Tax Chart-Manual, 1960-61. Forty-fifth Edition. Compiled by KENNETH MINES, F.A.I.A., F.T.I.I., and L. E. FEAVER, F.C.I.S. 1960. pp. viii and (with Index) 133. London: Chas. H. Tolley & Co. 18s. 6d. net.

Synopsis of Profits Tax. Twenty-fourth Edition. Compiled by KENNETH MINES, F.A.I.A., F.T.I.I., and L. E. FEAVER, F.C.I.S. 1960. pp. 25. London: Chas. H. Tolley & Co. 6s. net.

Synopsis of Estate Duty. 1960 Edition. Compiled by a Barrister-at-Law and edited by KENNETH MINES, F.A.I.A., F.T.I.I., and L. E. FEAVER, F.C.I.S. 1960. pp. 45. London: Chas. H. Tolley & Co. 6s. net.

Synopsis of Taxation in the Republic of Ireland (Eire), 1960-61. Thirty-sixth Edition. Compiled by KENNETH MINES, F.A.I.A., F.T.I.I., and L. E. FEAVER, F.C.I.S. 1960. pp. 14. London: Chas. H. Tolley & Co. 2s. 6d. net.

Income Taxes in the Channel Islands and the Isle of Man. Eleventh Edition. Compiled by KENNETH MINES, F.A.I.A., F.T.I.I., and L. E. FEAVER, F.C.I.S. 1960. pp. 22. London: Chas. H. Tolley & Co. 6s. net.

This year's new editions of the useful Tolley's Chart-Manual and Synopses are welcome. The provisions of the Finance Act, 1960, where relevant, are taken into account. This group of publications maintains the high standard set in previous years as a model of conciseness, comprehensiveness and accuracy.

NOTES OF CASES

The Notes of Cases in this issue are published by arrangement with the Council of Law Reporting, and, in general, full reports will be found in the Weekly Law Reports. Where possible the appropriate page reference is given at the end of the note.

Judicial Committee of the Privy Council

CEYLON: AGRICULTURAL LAND: COMPULSORY ACQUISITION

Land Commissioner *v.* Jayewardene and Another

Lord Tucker, Lord Keith of Avonholm, Lord Jenkins, Lord Morris of Borth-y-Gest and the Rt. Hon. L. M. D. de Silva
27th July, 1960

Appeal from the Supreme Court of Ceylon.

One, Suriyapperuma, owned certain lands which he mortgaged to C. P. Jayewardene as security for the repayment of Rs.5,500. Jayewardene put the mortgage bond in suit and obtained a mortgage decree. Thereafter, by deed, Suriyapperuma conveyed to Jayewardene some, but not all, of the lands which had been mortgaged. The conveyance was in satisfaction of the amount due on the mortgage decree. At a later date the Land Commissioner made a determination under s. 3 (1) (*b*) of the Land Redemption Ordinance to acquire two lands being part of the lands conveyed. Thereafter the plaintiffs (the widow and child of Jayewardene) commenced proceedings against the Land Commissioner alleging that the two lands did not fall within the description in s. 3 of the Ordinance and were not, therefore, subject to acquisition under it, and they claimed an injunction restraining him from acquiring them. The trial judge directed that an injunction should issue as prayed, and, on appeal, his decision was affirmed by the Supreme Court of Ceylon on 7th February, 1958. The Land Commissioner appealed.

LORD MORRIS OF BORTH-Y-GEST, giving the judgment, referred to the terms of s. 3 (1) of the Land Redemption Ordinance, 1942, as amended by Ordinance No. 62 of 1947, and said that the lands which were transferred to Jayewardene by the deed were agricultural; the Land Commissioner made a determination to acquire two of the lands, that was, a part of the land transferred; the lands were transferred by Suriyapperuma in satisfaction of a debt due from him to Jayewardene; the lands were secured by a mortgage which was subsisting immediately prior to the transfer. It would follow, therefore, that s. 3 (1) (*b*) applied, and it mattered not that there was additional land covered by the mortgage which was not included in the transfer. Their lordships could not agree with the view that s. 3 (1) (*b*) only applied (where several lands were mortgaged) if all the mortgaged lands were transferred in satisfaction or part satisfaction of the debt. Where, prior to the transfer, the mortgagee had put the mortgage bond in suit and obtained a decree, the debt remained secured by the mortgage of the land and not by the decree: *Perera* v. *Unantenna* (1954), N.L.R. 457. Appeal allowed; action dismissed. The respondents (plaintiffs) must pay the costs before the board and in the district and Supreme Courts.

APPEARANCES: *E. F. N. Gratiaen*, Q.C. (Ceylon), and *Walter Jayawardena* (*T. L. Wilson & Co.*); *Sirimevan Amerasinghe* (*Darley, Cumberland & Co.*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law] [3 W.L.R. 643

House of Lords

HOUSE OF LORDS: REFUSAL BY COURT OF APPEAL OF LEAVE TO APPEAL AGAINST REFUSAL BY HIGH COURT OF LEAVE TO BRING PROCEEDINGS

Whitehouse *v.* Board of Control and Others

Lord Cohen, Lord Keith of Avonholm and Lord Denning
9th May, 1960

Petition for leave to appeal.

The petitioner applied for leave to appeal to the House of Lords, and to appeal out of time, from two decisions of the Court of Appeal dated respectively 8th June, 1959 (Morris, Ormerod and Willmer, L.JJ.), and 15th February, 1960 (Ormerod and Willmer, L.JJ.). The respondents were the Board of Control, a doctor who was a party to the certification of the petitioner under the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Glamorgan County Council, and one, Powell, the duly authorised officer. On 14th May, 1959, Glyn-Jones, J., refused (*a*) the petitioner's application by originating summons for leave under s. 330 (2) of the Lunacy Act, 1890, as substituted by s. 16 (1) of the Mental Treatment Act, 1930, to bring proceedings against the respondents for damages for negligence and breach of statutory duty and false imprisonment; (*b*) leave to appeal from his decision. The petitioner thereupon applied to the Court of Appeal for leave to appeal, and, on 8th June, 1959, the Court of Appeal refused such leave. On that occasion the petitioner appeared in person and the Court of Appeal went into the merits. On 15th February, 1960, the Court of Appeal dismissed the petitioner's application for leave to appeal to the House of Lords. The petitioner now sought leave to appeal to the House of Lords from the refusals of the Court of Appeal to grant leave to appeal to itself and to the House of Lords. On the hearing of the petition, preliminary objection was taken on behalf of the Board of Control that in this type of case no appeal lay to the House of Lords from a refusal by the Court of Appeal to grant leave to appeal to the Court of Appeal. Reliance was placed on *Lane* v. *Esdaile* [1891] A.C. 210.

LORD COHEN said that their lordships were satisfied that the preliminary objection must be sustained, and that the present case was covered by the principle of *Lane* v. *Esdaile*, *supra*. In those circumstances, their lordships thought it better to express no opinion on the merits of the appeal in the interests of the petitioner. The petition was refused.

APPEARANCES: *John Platts-Mills* (*Edward Mackie & Co.*); *R. A. Barr* (*Solicitor, Ministry of Health*); *P. E. Webster* (*Hempsons*); *J. G. Wilmers* (*Lewin, Gregory, Mead & Son*, for *Richard John*, Cardiff).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law] [1 W.L.R. 1093

Court of Appeal

SHIPPING: LIMITATION OF LIABILITY: DOUBLE PROOF

Steamship Enterprises of Panama Inc., *Liverpool* (Owners) *v.* *Ousel* (Owners) and Others The *Liverpool* (No. 2)

Hodson, Ormerod and Harman, L.JJ. 28th July, 1960

Appeal from Lord Merriman, P. ([1960] 2 W.L.R. 541; p. 253, *ante*).

On 8th January, 1957, the *Ousel* was sunk in the Port of Liverpool as a result of a collision with the *Liverpool*, whose owners admitted liability for the collision. On the same day the Mersey Docks and Harbour Board gave notice to the owners of the *Ousel* that the board had taken possession of the *Ousel* under powers contained in the Mersey Docks and Harbour Board Act, 1954, and that after raising, removing or destroying her they would sell any property recovered for the purposes of defraying their expenses. They also gave notice that if their expenses exceeded the proceeds of sale they would claim the difference from the owners of the *Ousel* up to the limit of her liability under the Merchant Shipping Acts, 1894–1954. The *Liverpool* obtained a decree under the Merchant Shipping Acts, 1894–1954, limiting her liability in respect of the collision. Among the claims made against the fund were a claim by the owners of certain cargo in the *Ousel*, a claim by the Mersey Docks and Harbour Board for

REGISTER OF
AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS

LONDON

CITY OF LONDON

BRIGHTWELL & MADDOCK, 29 Ludgate Hill, E.C.4. Tel. CITy 1962/6781.

CHAMBERLAIN & WILLOWS, 23 Moorgate and 58 Coleman Street, E.C.2. Tel. METropolitan 8001 (10 lines).

DEBENHAM, TEWSON & CHINNOCKS, 8 Telegraph Street, Moorgate, E.C.2. Tel. Monarch 5962 (Private branch exchange).

DOUGLAS YOUNG & CO., 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.

DRON & WRIGHT, 17 Coleman Street, Moorgate, E.C.2. Tel. MONarch 6946 (PBX).

GOOCH & WAGSTAFF, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.

HICKLENTON & PHILLIPS, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 8441.

HORNE & CO. (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).

KING & CO., Chartered Surveyors, Factory Valuers and Agents, 71 Bishopsgate, E.C.2. Tel. LONdon Wall 7201 (5 lines). See also North London.

MARK LIELL & SON, Chartered Surveyors, 9-13 Crutched Friars, E.C.3. Telephone ROYal 5454. And East London.

MATTHEWS & GOODMAN, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel. CITy 5627.

MOORE, C. C. & T., Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820). Tel. MAN 0335/7.

RICHARD ELLIS & SON, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.

ST. QUINTIN, SON & STANLEY, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVEnue 6055.

TOPLIS & HARDING & FINDLAY, 13/14 Union Court, Old Broad Street, E.C.2. Tel. LONdon Wall 7071.

HAROLD WILLIAMS & PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288. And at 80 High Street, Croydon. Tel. Croydon 1931.

NORTH LONDON

ALFRED SLINN & CO. (Est. 1889), Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).

BARBER & MOORE, F.A.L.P.A., 26 Stoke Newington Road, N.16. Tel. CLissold 2143/4.

BATTY & STEVENS, 269 Archway Road, Highgate, N.6. Tel. MOU 3424-5. Also at Muswell Hill, Finchley and Barnet, Herts.

KING & CO., Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 1137 (4 lines). See also City of London.

J. MAUNDER TAYLOR, Chartered Surveyor, Chartered Auctioneer and Estate Agent. 1318 High Road, N.20. Tel. HILlside 2377/7217.

NEWBON & SHEPHARD, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANonbury 1800.

PERRY & SEYMOUR, Surveyors, Valuers and Estate Agents, 6 Stoke Newington Road, N.16. Tel. CLissold 6611/2.

H. PUTT & SONS, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.

STURT & TIVENDALE, Chartered Surveyors, 1261 High Road, Whetstone, N.20. HIL 3331/2 and at Highgate, N.6, and Muswell Hill, N.10.

WARD, SAUNDERS & CO., 298/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

NORTH-EAST LONDON

H. EDELMAN & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E.5. STA 0036.

WM. STEVENS & SON, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. Clissold 1802. Also at Brondesbury, N.W.6, and Edgware.

NORTH-WEST LONDON

ANDREWS, PHILIP & CO., F.R.I.C.S., Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. WILlesden 2236/7.

NORTH-WEST LONDON (*continued*)

ANSCOMBE & RINGLAND. G. B. Slater, W. Andrews, J. G. Slater; Chartered Surveyors, 8 Wellington Road, N.W.8. Tel. PRI 7116.

BENNETT & CO., Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W.2. Tel. GLAdstone 6666 and 7871 (6 lines).

CAMERONS (Est. 1908), Estate Agents and Valuers, 90 Walm Lane, N.W.2. Tel. WIL 0091.

T. B. WESTACOTT & SONS, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULliver 3331/2. And at Strand. Tel. TEMple Bar 0525.

SOUTH-EAST LONDON

BLAKE & DANNATT (Est. 1875), Chartered Surveyors. R. S. Jackson, F.R.I.C.S., F.A.I., George Dannatt, F.R.I.C.S., F.A.I., 18 Nelson Road, S.E.10. Tel. GREenwich 0593/0560.

EASTMAN BROS., Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel. SYD 6601.

EDWIN HILL & PARTNERS, Chartered Surveyors, 22 Borough High Street, London Bridge, S.E.1.

FURLONG (H. J.) & SONS, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.

HUMPHREYS, SKITT & CO. (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.

LANG, ROBERT J., LTD. (R. D. Lang, F.R.I.C.S., F.A.I., J. H. Peroux, F.A.L.P.A.), Auctioneers and Surveyors, 8 Thomas Street, Woolwich, S.E.18. WOO 6767/8/9. 1 Central Parade, Catford, S.E.6. HIT 6367/8. Est. 1907.

NOYS & HOWES, F.A.L.P.A., 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.

PEARSONS, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.

VICTOR W. HINDWOOD & CO., Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREenwich 1144/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

SOUTH-WEST LONDON

ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 193 New King's Road, S.W.6. Tel. REN. 1368/9 & 2317. Also at Richmond, Surrey (q.v.).

ANLEY & CO., Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.

GEORGE BELBIN & CO., Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNightsbridge 8846/8.

CALLOW & CO. (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel. STR 0185/6 & STR 5252.

EDWIN EVANS & SONS (Est. 1880), Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 251 & 253 Lavender Hill, Clapham Junction, S.W.11. Tel. BAT 0051 (4 lines). And at Morden, Surrey. Tel. MIT 2281.

FINCH & CO., F.R.I.C.S., F.A.I., 18 Kingston Road, Wimbledon. Tel. LIB 3345. And Clapham, S.W.4.

W. HALLETT & CO. (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S., Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond. Tel. RIChmond 1034 and 5950.

C. ERNEST MANEY, F.A.I., F.V.I., 1 Cavendish Parade, South Side, Clapham, S.W.4. Tel. 4414.

RAYNERS, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANdyke 1000/3166/4242.

TAYLOR, A. W., & CO., Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.

WATSON & EWEN (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.). Tel. Streatham 0232 and 4788.

WILLIAM WILLETT ESTATE AGENTS LTD., Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Frobisher 2238.

YORK & JONES, Office & Business Premises Specialists. 11 Palmer Street, S.W.1. Tel. ABB 1181/4.

EAST LONDON

ANSTEYS (Est. 1878), Chartered Surveyors, Auctioneers and Valuers, 511 Barking Road, Plaistow, E.13. Tel. Grangewood 0308.

H. J. BLISS & SONS (Est. 1816), 162/4 Bethnal Green Road, E.2. Tel. BIS 4818/9.

BROWN & EWIN, Chartered Auctioneers and Estate Agents, 218 East India Dock Road, E.14. Tel. East 3872.

EAST LONDON (*continued*)

CLARKSON & PARTNERS, Chartered Surveyors and Estate Agents, 223 East India Dock Road, E.14. Tel. EASt 1897/8. And 23 Billiter Street, E.C.3. Tel. ROYal 1006/7.

MOORE, C. C. & T., Chartered Surveyors, 33 Mile End Road, E.1. City Office, 13 Lime Street, E.C.3. Tel. MAN 0335/7.

TAYLOR, LOCKHART & LANG, Auctioneers, Surveyors, and Estate Managers. Est. 130 years. (S. S. Lockhart, F.A.L.P.A., J. W. Lockhart, A.R.I.C.S., A.A.I., R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BIShopsgate 7378.

WEST-CENTRAL LONDON

BAILEY & WOODBRIDGE, 9 Great Russell Street, W.C.1. Tel.: MUSeum 2624. Estate Agents, Surveyors, Investment Specialists.

BROWETT, TAYLOR & CO., Chartered Surveyors, 3 and 4 Lincoln's Inn Fields, W.C.2. Tel. CHA 8275.

BUCKLAND & SONS, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.

PERRY & BELL, Bell House, 175 Regent Street, W.1. Tel.: REGent 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.

SAVILL, ALFRED & SONS, Chartered Surveyors, Land and Estate Agents, Valuers and Auctioneers, 51a Lincoln's Inn Fields, W.C.2. Tel. HOLborn 8741/9. Also at Chelmsford, Guildford, Norwich, Wimborne and Woking.

E. A. SHAW & PARTNERS (Est. 1899), Surveyors and Valuers, 19 and 20 Bow Street, W.C.2. Tel. COV 2255.

WEST END LONDON

BEECROFT SONS & NICHOLSON—H. C. H. Beecroft, P. R. Beecroft, F.R.I.C.S., F.A.I., Valuers, Surveyors and Assessors, 32a Weymouth Street, W.1. Tel. LAN 6721 (4 lines).

DOUGLAS KERSHAW & CO., Chartered Auctioneers and Estate Agents, Valuers. 12 Hanover Street, W.1. Tel. MAYfair 4928/9.

DOUGLAS YOUNG & CO., 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, S.W.1. Tel. TRAfalgar 4744.

FOLKARD & HAYWARD, 115 Baker Street, W.1. Tel. WELbeck 8181.

HERRING, SON & DAW (incorporating Arthur F. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. James's Square, S.W.1. Tel. TRAfalgar 4121.

MAPLE & CO., LTD., Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDe Park 4685.

MULLETT, BOOKER & CO., Estate Agents, Auctioneers, Surveyors and Valuers, 23 Albion Street, Hyde Park, W.2.

WEST LONDON

ALLEN & NORRIS, LTD., Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.

ATHAWES, SON & CO., F.A.I. (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACOrn 0056/7/8.)

BEALE & CAPPS, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbroke Grove, W.10. Tel. PAR 5671.

CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665/6.

FARNHAM & COIGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel. WESTern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents, Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (5 lines).

LONDON SUBURBS

Barnes, East Sheen and Roehampton.—RODNEY SCOTT & CO. (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 3416/7183. And East Sheen.

Battersea, Clapham Junction, Tooting, Southfields.—RAYNERS (Neville Rayner, J.P., F.V.I., F.R.V.A.; L. S. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATtersea 8686. Four Offices.

Blackheath and Sidcup.—DYER, SON & CREASEY, Chartered Surveyors, 22 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

Brentford (for West London and West Middlesex).—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

Chiswick and Bedford Park.—TYSER, GREENWOOD & CO., 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffin, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

Ealing, Ealing Common and District.—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

Ealing, Hanwell and District.—P. CHASE GARDENER AND CO., Auctioneers, Surveyors, Valuers and Estate Agents, 87 Uxbridge Road, Hanwell, W.7. Tel. EALing 1918.

East Ham.—HAMLETTS' (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0846.

East Sheen, Barnes and Richmond.—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Finchley.—E. C. LLOYD, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.

Finchley and Barnet.—SPARROW & SON, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.

Hammersmith.—MORTON & WATERS, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

(*continued on p. xvi*)

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

Harrow.—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

Harrow.—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel 4288/90 Associated offices at Hillingdon. Established 1925.

Hendon and Colindale.—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

Hendon.—DOUGLAS MARTIN & PARTNERS, LTD. —Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Roach, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

Hendon.—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

Ilford.—RANDALLS, F.R.I.C.S., Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road, Tel. VALentine 6272 (10 lines).

Leyton.—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

Leyton and Leytonstone.—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

Leytonstone.—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green, Tel. Buc 0464.

Leytonstone.—PETTY, SON & PRESTWICH, F.A.I. Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

Mill Hill.—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

Norbury.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

Putney.—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

South Norwood.—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

Stanmore.—GLOVER of STANMORE, F.V.I., The Broadway (and at Station). Grimsdyke 2241 (5 lines).

Tottenham.—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

Walthamstow and Chingford.—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

Wandsworth (Borough of), Battersea and S.W. Area.—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

Wood Green.—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

PROVINCIAL

BEDFORDSHIRE

Bedford.—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

Bedford.—ROBINSON & HALL, 15A St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

Luton.—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

BERKSHIRE

Abingdon, Wantage and Didcot.—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9. Wantage 48. Didcot 3197.

Bracknell.—HUNTON & SON. Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

County of Berkshire.—Mrs. N. C. TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill, Ascot (Ascot 1666), and Streatley (Goring 45).

Didcot and District.—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079.

Faringdon.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

Maidenhead.—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines).

Maidenhead, Windsor and Sunningdale.—GIDDY & GIDDY. Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

Newbury.—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

Newbury.—DREWEATT, WATSON & BARTON. Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

Newbury.—C. G. FOWLIE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

Newbury and Hungerford.—A. W. NEATE & SONS. Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

Reading.—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

Windsor and Reading.—BUCKLAND & Sons, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

BUCKINGHAMSHIRE

Amersham and The Chalfonts.—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

Amersham, Chesham and Great Missenden.—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

Aylesbury.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

Aylesbury.—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

Beaconsfield.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

Farnham Common.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, The Broadway. Tel. 109.

High Wycombe.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 30 High Street. Tel. 2576/7/8/9.

BUCKINGHAMSHIRE (*continued*)

High Wycombe.—HUNT & NASH, F.R.I.C.S., F.A.I., Chartered Surveyors, 15 Crendon Street. Tel. 884.

High Wycombe and South Bucks.—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

North Bucks.—DOUGLAS STRATFORD & CO. Est. 1890. Bletchley 2201/2. Bedford 66373. Luton 2953.

Princes Risborough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, High Street. Tel. 744/5.

Slough.—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

Slough.—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

Slough.—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents, Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

Slough and Gerrards Cross.—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987.

CAMBRIDGESHIRE

Cambridge.—HOCKEY & SON. (Est. 1885.) Auctioneers and Surveyors. 8 Benett Street. Tel. 59455/6.

Cambridge and County.—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

CHESHIRE

Altrincham.—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

Birkenhead.—SMITH & SONS (Est. 1840), Auctioneers, Valuers. Tel. Birkenhead 1590. And at Liverpool.

Birkenhead and Wirral.—Messrs. JAMES HARLAND, W. J. Harland, F.R.I.C.S., F.A.I., Chartered Surveyor, 46 Church Road, Birkenhead. Tel. 1597/8.

Chester.—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

Chester.—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

Chester.—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

Chester.—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors. Valuers, 5 St. Werburgh Street. Tel. 20422.

Congleton.—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

Congleton.—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

Crewe.—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

Macclesfield.—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

Nantwich, Northwich, Winsford & Tarporley.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

Northwich.—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

Stockport.—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

CORNWALL

County of Cornwall.—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

County of Cornwall.—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bidmin. Tel. 346.

Falmouth.—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224

Mid-Cornwall.—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and House Agent.

Penzance, St. Ives, West Cornwall and Isles of Scilly.—W. H. LANE & SON, F.A.L.P.A., The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

(*continued on p. xvii*)

CORNWALL (*continued*)

Redruth.—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

St. Austell and Looe.—LAMPSHIRE & NANCOLLAS Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

St. Austell, Lostwithiel and Liskeard.—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 45 and 245. Liskeard 2400.

Truro, Mid and West Cornwall.—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

DERBYSHIRE

Derby.—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines).

DEVONSHIRE

Axminster.—**25-mile radius.**—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

Axminster, East Devon, South Somerset and West Dorset Districts.—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

Barnstaple and N. Devon.—BRIGHTON GAY, F.A.L.P.A., Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

Barnstaple and N. Devon.—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

Bideford and North Devon.—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

Bideford and North Devon.—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

Brixham and Torbay.—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

Devon and Exeter.—GUY MICHELMORE & CO., Norwich Union House, Exeter. Tel. 76464/5.

Devon, Exeter and S.W. Counties.—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

Exeter.—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

Ilfracombe.—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

Okehampton, Mid Devon.—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

Paignton, Torbay and South Devon.—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

Plymouth.—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

Sidmouth.—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

Teignmouth, Shaldon, etc.—ROBT. FROST & SON (Robt. Frost, F.A.I., Chartered Auctioneer and Estate Agent). Est. 1857. 5 Regent Street, Teignmouth. Tel. 671/2.

Torquay and South Devon.—WAYCOTTS, Chartered Auctioneers and Estate Agents, 5 Fleet Street, Torquay. Tel. 4333/5.

DORSETSHIRE

Poole, Parkstone, Broadstone.—RUMSEY & RUMSEY, Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and Channel Islands.

West Dorset.—ALLEN, TAYLOR & WHITFIELD 25 East Street, Bridport. Tel. 2929.

DURHAM

Darlington.—JAMES PRATT & SONS, F.V.I., Auctioneers, Valuers and Estate Agents, 40a High Row. Tel. 4831.

Darlington.—SANDERSON, TOWNEND & GILBERT Chartered Surveyors, 92 Bondgate.

expenses incurred and damage sustained in clearing the River Mersey of the wreck of the *Ousel*, and a claim by the owners of the *Ousel*, which included an item (item 22) in respect of "Mersey Docks and Harbour Board. Contingent claim of board in respect of wreck raising expenses, viz., statutory limit of *Ousel*." It was not disputed that the board's claim against the fund covered to some extent the same ground as the subject-matter of the board's statutory claim against the *Ousel* (which was limited to approximately £10,000), which in turn was the subject of item 22 of the *Ousel's* claim against the fund. Lord Merriman, P., held that only the *Ousel's* claim for £10,000 should be allowed, and that the board had to reduce its claim by a like amount. The board appealed.

HARMAN, L.J., reading the judgment of the court, said that Lord Merriman, P.'s decision that the board should reduce its claim did not fit the facts. Even conceding that if the board had recovered the £10,000 from the *Ousel* under its statutory power that would have been satisfaction *pro tanto* of the damages, still the fact was that the board had not recovered that sum, and in the court's judgment there was no duty on it to do so. As to the second part of the judgment below, the case had nothing to do with the duty to mitigate damages. It concerned the board's legal rights, and no duty rested on it at the demand of a tortfeasor to satisfy part of the damages by resorting to another tortfeasor: still less by resorting to an innocent party made liable merely by statute. If there were no duty on the board to enforce its rights against the *Ousel* it could prove for its whole debt against the *Liverpool* without taking those rights into account. It was true that the claim was not being made against the *Liverpool* herself because she had taken advantage of the right to limit her liability, but she remained, nevertheless, the tortfeasor and the principle applied, in the court's opinion, to a claim arising out of the tortfeasor's wrongdoing. Limitation in its Admiralty significance resulted in a position not unlike that in bankruptcy and had indeed been said to be analogous to a statutory insolvency. In the present case the board had a statutory right to recoup its expenses quite apart from the *Liverpool's* wrongdoing. But the court saw no reason why it should give credit for the value of that right when proving against the fund. The first question therefore had to be answered by saying that the board did not need to reduce its claim by giving credit for the £10,000. The second question was whether the *Ousel* could enforce its claim to the £10,000 which was the agreed amount of its liability to the board under the Act of 1954. The other claimants' objection was that to allow the claim to rank would be to allow two claims in respect of the same debt, thus raising the question of double proof. There seemed no reason why that principle should not apply to a limitation action in Admiralty. The principle had to apply wherever there were rival claimants against an insufficient fund as it did in bankruptcy, winding up and creditors' administration actions. The question whether the two debts were the same was the difficult part of the case. The board's right against the *Liverpool* was the cost to which the board as owner of the port had been put as a result of the collision. The £10,000 for which the *Ousel* sought to prove was agreed as to quantity and had been called "the statutory limit of the *Ousel*." It arose out of the proviso to s. 3 (3) of the Mersey Docks and Harbour Board Act, 1954, which enabled the owners of the wrecked vessel to limit their liability. That had been done in the present case so that only £10,000 of the £130,000 expenses could be claimed against the *Ousel* and by her by way of indemnity against the *Liverpool*. That was, in fact, a part of the same debt, and in the court's judgment, if both sums could be proved for, the same debt would have been proved for twice to the extent of £10,000. In the court's judgment therefore the fund was not to be subjected to both liabilities. If the court was right so far, the question arose as to which of the two competing claimants could prove. In the court's judgment the answer was that the board had priority because it was actually out of pocket by the whole of its claim while the *Ousel* was not because she had not yet been obliged to pay. The court would allow the appeal and substitute declarations to the effect that (*a*) the board's claim against the fund ought to be allowed at its full amount; (*b*) the claim of the owners of the *Ousel* ought to be disallowed. Leave to appeal.

APPEARANCES: *J. V. Naisby*, Q.C., *G. H. Newsom*, Q.C., and *G. N. W. Boyes* (*R. H. Bransbury*, Liverpool); *Eustace Roskill*, Q.C., and *H. V. Brandon* (*Waltons & Co.*); *Roland Adams*, Q.C., and *R. F. Stone* (*Weightman, Pedder & Co.*).

[Reported by Miss C. J. ELLIS, Barrister-at-Law] [3 W.L.R. 897

HUSBAND AND WIFE: SUBMISSION OF NO CASE: ELECTION: RIGHT TO ORDER REHEARING

Storey *v.* Storey

Hodson, Ormerod and Harman, L.JJ. 28th July, 1960

Appeal from the divisional court.

At the hearing of a wife's complaints of persistent cruelty and desertion, the justices upheld the husband's submission, upon which he elected to stand, that there was no case to answer, and dismissed the complaints. The divisional court allowed her appeal and ordered a rehearing. On appeal by the wife from the order of the divisional court it was contended for the wife that the divisional court, having allowed her appeal, were wrong in ordering a rehearing, and should either have made an order in her favour or remitted the case to the justices for further findings of fact. *Cur. adv. vult.*

ORMEROD, L.J., delivering the judgment of the court, said that the only way in which justice could be done between the parties was by retrial and, that being the situation, unless the court was compelled by law to allow the appeal, the course taken by the divisional court must necessarily be right. There were two sets of circumstances under which a defendant could submit that he had no case to answer. In the one case there could be a submission that, accepting the plaintiff's evidence at its face value, no case had been established in law, and in the other that the evidence led for the plaintiff was so unsatisfactory or unreliable that the court should find that the burden of proof had not been discharged. In the former type of submission a defendant was bound by his election and there could be no new trial. If, however, the submission of no case was based on the unsatisfactory or unreliable nature of the evidence led by the plaintiff, and the appellate court, as in the present case, found itself unable on the findings of the court below to come to a just conclusion, the only course to be adopted in the interests of justice was to order a new trial, even if the defendant had elected to stand on his submission. If there was to be a rehearing the wife might well put her case differently, or call further evidence, and the husband could not be denied the opportunity of giving in evidence his version of the events in question. The court agreed that it was better in matrimonial disputes for the justices to hear both sides before coming to a decision. On the other hand the practice of putting a respondent to his election appeared to have been adopted in the divorce court since *Alexander* v. *Rayson* [1936] 1 K.B. 169, was decided. Subject to the qualification that there was always a discretion remaining in the tribunal, which would, no doubt, have the question of status well in mind in considering the exercise of that discretion, the court saw no reason why the practice in divorce cases should not be in line with that in other cases. Appeal dismissed.

APPEARANCES: *Geoffrey Howe* (*Carter & Barber*, for *Ewing, Hickman & Clark*, Southampton); *Alan Trapnell* (*Watkins, Pulleyn & Ellison*, for *Bernard Chill & Axtell*, Southampton).

[Reported by A. H. BRAY, Esq., Barrister-at-Law] [3 W.L.R. 663

Queen's Bench Division

MALICIOUS PROSECUTION: STATUTORY OFFENCE PUNISHABLE BY FINE: WHETHER ACTION LIES

Berry *v.* British Transport Commission

Diplock, J. 29th July, 1960

Trial of a preliminary issue.

The plaintiff was charged on the complaint of a servant or agent of the British Transport Commission with pulling the communication cord on a train, contrary to s. 22 of the Regulation of Railways Act, 1868. She pleaded not guilty, but was convicted by the justices, and was fined 20s. and ordered to pay 27s. costs. Having successfully appealed to quarter sessions, which quashed the conviction, the plaintiff brought an action for malicious prosecution against the British Transport Commission in the statement of claim in which she alleged, *inter alia*, that by reason of the charge she had been injured in reputation and had been held up to ridicule and suffered pain of mind, and had been put to expense in defending herself and had suffered loss and damage: particulars of special damage itemised as the costs of the defence and of the appeal totalling £62 2s. were given, and the plaintiff claimed damages generally. The defendants contended, *inter alia*, that the statement of claim disclosed no damage of which the plaintiff was entitled in law to complain and in the premises disclosed no cause of action. That contention was ordered to be tried as a preliminary issue and the case was argued on the footing that the recorder, allowing the appeal, had awarded the plaintiff 15 guineas costs.

DIPLOCK, J., reading his judgment, said that the effect of *Rayson* v. *South London Tramways Co.* [1893] 2 Q.B. 304, and *Wiffen* v. *Bailey and Romford Urban District Council* [1915] 1 K.B. 600, was that a charge of a statutory offence punishable by a fine only did not of itself entail such damages as would support an action for malicious prosecution, unless the charge were such as to injure the "fair fame" of the person charged. The test was: was the charge one which necessarily and naturally was defamatory of the plaintiff? Since on a postulation of all the possible circumstances in which a person might be successfully prosecuted for an offence under s. 22 of the Regulation of Railways Act, 1868, it was possible to conceive of facts sufficient to support a conviction which if stated of the plaintiff would not be defamatory of her, the charge itself was not "scandalous" (see *Savile* v. *Roberts* (1698), 1 Ld. Raym. 374, per Holt, C.J. at p. 378), and was insufficient to support the action. As to the costs incurred by the plaintiff, there was no distinction in this respect between civil cases and criminal cases triable summarily. Under ss. 1 and 5 of the Summary Jurisdiction (Appeals) Act, 1933, quarter sessions had a discretion to award costs which was no different from the discretion of a High Court judge in a civil action or of the Court of Appeal; it seemed to his lordship that for the costs which the plaintiff had properly incurred in securing her acquittal she would have "already been compensated, so far as the law chooses to compensate" her: per Bowen, L.J., in *Quartz Hill Consolidated Gold Mining Co.* v. *Eyre* (1883), 11 Q.B.D. 674, at p. 690. The difference between the solicitor and client costs which the plaintiff, in fact, incurred and the costs awarded her by the recorder therefore did not constitute such special damage as to found an action for malicious prosecution. Accordingly, the statement of claim disclosed no cause of action. Judgment for the defendants.

APPEARANCES: *Neil Lawson*, Q.C., and *P. M. O'Connor*, Q.C. (*M. H. B. Gilmour*); *Roger Ormrod*, Q.C., and *Kemp Homer* (*Booth & Blackwell*, for *Wright, Johnson & Cheales*, Brighton).

[Reported by Miss J. F. LAMB, Barrister-at-Law] 3 W.L.R. 666

Probate, Divorce and Admiralty Division

NULLITY: INCAPACITY: APPROBATION NOT DISCRETIONARY BAR: DELAY

G. *v.* G. (otherwise H.)

Phillimore, J. 18th May, 1960

Petition for nullity.

The parties were married in 1947 and the husband presented his petition for nullity in March, 1959, alleging incapacity or wilful refusal. He had left the wife the previous month, and both before and after marriage they had indulged in an incomplete form of sexual intercourse due to the state of the hymen, the wife refusing a simple operation to remedy the defect. The wife relied upon approbation and delay.

PHILLIMORE, J., said that without the operation the wife was and must remain incapable of consummating the marriage. The test as to approbation was that laid down by the House of Lords in *G v. M* (1885), 10 App. Cas. 171. In the course of argument he had been referred to the judgment in *Scott* v. *Scott* (*otherwise Fone*) [1959] P. 103*n*, in the course of which Sachs, J., sought to tabulate the principles to be applied in dealing with a defence of approbation. He concluded, *inter alia*: "If the facts do constitute a bar, it is a discretionary and not an absolute bar." He (his lordship) did not find that easy to follow. It was the duty of the court to apply the test as laid down by the House of Lords in *G* v. *M*, *supra*, to all the circumstances of the case. If, having done that, the court concluded that it would be most inequitable and contrary to public policy to grant a decree he could not think that any residual discretion remained. It was well established that mere delay did not constitute approbation. The true approach was to regard delay, and the explanation for it, as part of the circumstances to be considered in deciding whether or not there had been approbation. Approaching the case on the basis that the husband must be taken to have known the facts and the law in 1952, it was true that he did not complain and did not urge his wife to have the necessary operation, but left the initiative to her; nevertheless, he never expressed himself as satisfied with their sexual relations, and showed himself at all times ready to co-operate with her when she spoke of having the operation and of having children. Looking at all the circumstances of the case, including the element of delay and the husband's explanation for it, he could not find that it would be inequitable or unjust to grant a decree which would terminate the unhappy union and enable the husband, if so minded, to marry a woman with whom he could enjoy a normal married life. A decree should be granted.

APPEARANCES: *A. H. Bray* (*Alec Woolf & Turk*); *N. C. Lloyd-Davies* (*Candler, Stonnard & Co.*).

[Reported by Miss ELAINE JONES, Barrister-at-Law] [3 W.L.R. 648

DIVORCE: CRUELTY: DEFENCE: INSANITY: GENUINE BELIEF IN FALSE ACCUSATIONS: REASONABLE APPREHENSION OF INJURY TO HEALTH

Robins *v.* Robins

Wrangham, J. 25th May, 1960

Petition for divorce.

A wife filed a petition seeking a decree of divorce on the ground of her husband's cruelty. She also filed a supplementary petition alleging further cruelty in that the husband had, in September, 1959, falsely accused her in the presence of a third party of an improper association with another man and of being a moral danger to the child of the parties. By a second supplemental petition she further alleged an incident in May, 1960, in which the husband slapped her across the face and took the child of the parties by the throat. The husband denied the cruelty alleged.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

EAST ANGLIA

Norfolk-Suffolk.—THOS. WM. GAZE & SON, Crown Street, Diss. (290/291). Est. a Century. Chartered Auctioneers, Agricultural, Property and Chattel Valuers.

ESSEX

Benfleet, Hadleigh and South-East Essex.—Messrs. JOHN S. LLOYD, F.A.I., Chartered Auctioneers and Estate Agents, Estate House, Hadleigh, Essex. Tel. 58523.

Brentwood and Mid-Essex.—HOWARD'S & CO. (BRENTWOOD), LTD., Surveyors, Valuers and Estate Agents, 143 High Street, Brentwood. Tel. Brentwood 4338.

Chelmsford, Billericay, Braintree and Maldon.—TAYLOR & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 17 Duke Street, Tel. 55561 (5 lines), Billericay Tel. 112/585, Braintree Tel. 1564/2, Maldon Tel. 88/888.

Chelmsford and Wickford.—R. COOPER HIRST, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 12 Duke Street, Chelmsford (Tel. 4534) and Market Road, Wickford (Tel. 3058).

Chelmsford and Witham.—BALCH & BALCH, Chartered Surveyors, Auctioneers and Valuers, 3 Tindal Square, Chelmsford. Tel. 51551; and Witham Tel. 3381.

Clacton-on-Sea.—DONALD COTTAGE, EAVES & CO., (Chas. W. Eaves, F.A.I., F.A.L.P.A.), 67/69 Station Road, Clacton-on-Sea. Tel. 857/8. And at Holland-on-Sea. Tel. 3270.

Colchester and District.—C. M. STANFORD & SON (Partners and Senior Personnel fully qualified members of Professional Institutes), 23 High Street, Colchester, Tel. 3165 (4 lines).

Hornchurch.—HAYWARD & CO., Surveyors, Valuers and Estate Agents, 163 High Street. Tel. 46635/6.

Ilford.—S. A. HULL & CO., F.A.I., Chartered Auctioneers and Estate Agents, 16 Clements Road. Tel. ILFord 4366/7, and at 404 Cranbrook Road, Gantshill. Tel. Valentine 9525.

Leigh-on-Sea.—GORDON LANE & BUTLER, Auctioneers and Surveyors, 125 Rectory Grove. Tel. 78340.

Leigh-on-Sea.—HAIR (FREDK. G.) & SON, Auctioneers and Surveyors, 1528 London Road. Tel. 78666/7.

Leigh-on-Sea, Rayleigh and Country Districts.—HAROLD W. PINCHBECK, Chartered Surveyor and Valuer (Pinchbeck, Chapman & Co.), 80 Rectory Grove, Leigh-on-Sea (75002) and High Street, Rayleigh. Tel. 24.

Maldon.—TAYLOR & CO., Chartered Auctioneers and Estate Agents. 9 London Road. Tel. 88/888.

Romford and District.—R. CHEKE & CO., 18 North Street, Hornchurch, Essex. Hornchurch 8688 and branches.

Romford, Upminster and District.—HILBERY CHAPLIN & CO., Chartered Auctioneers, Estate Agents and Surveyors, 135 South Street, Romford (Tel. Romford 45004) and 42 Station Road, Upminster (Tel. Upminster 2866).

Southend-on-Sea and S.E. Essex.—TAYLOR, SON & DAVIS, Auctioneers and Surveyors, 37 Victoria Avenue, Tel. Southend 41201 (3 lines). And at Westcliff-on-Sea and Leigh-on-Sea.

Southend, Westcliff and Country Districts.—H. V. & G. SORRELL, Chartered Surveyors, Auctioneers and Estate Agents, 40 Clarence Street, Southend. Tel. Southend 4225. And at High Street, Rayleigh.

Southend, Westcliff and South East Essex.—TALBOT & WHITE, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, Established 1885, 34 Clarence Street, Southend-on-Sea. Tel. Southend 48137/8, and 29 and 31 Hamlet Court Road, Westcliff-on-Sea. Tel. Southend 47821/2.

Westcliff, Southend-on-Sea and District.—ASHTON AGAR & CO., Chartered Auctioneers and Estate Agents, 589 London Road, Westcliff-on-Sea. Tel. Southend 42624.

Woodford.—MARK LIELL & SON, Chartered Surveyors, 9 High Road, Woodford Green. Tel. Buckhurst 0181, and East Ham.

GLOUCESTERSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903). Surveyors, Auctioneers and Estate Agents. Special Probate Department. New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Bristol.—C. J. HOLE & SONS (Est. 1867), 70 Park Row, Bristol, 1. Auctioneers, etc. Tel. 24324 (4 lines).

Bristol.—LALONDE, BROS & PARHAM (Est. 1848), 64 Queens Road. Tel. 27731 (8 lines). And at Weston-super-Mare.

Bristol.—JOHN E. PRITCHARD & CO. (Est. 1790), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 82 Queens Road, Bristol, 8. Tel. 24334 (3 lines).

Bristol, Somerset and Gloucester.—ALDER, STANLEY & PRICE (Established 1911), Valuation Consultants, 7 St. Stephen's Street, Bristol, 1. Tel. 20301. A. Oliver Perkins, F.R.I.C.S., F.A.I., P.P.I.S.A.L.P.A., R. B. Kislingbury, F.R.I.C.S., F.A.I., A. E. Sutor, F.A.L.P.A., W. H. Mapley, A.R.I.C.S., A.R.V.A., F.A.L.P.A., Auction and Estate Offices, 94E Whiteladies Road, Clifton and Redfield.

Bristol and the West of England.—J. P. STURGE & SONS (Established 1760), Surveyors, Land Agents and Auctioneers, 24 Berkeley Square, Bristol, 8. Telephone: 26691 (5 lines).

Cheltenham.—G. H. BAYLEY & SONS, Chartered Auctioneers and Estate Agents, Valuers, 27 Promenade. Tel. 2102.

GLOUCESTERSHIRE *(continued)*

Cheltenham.—VIRGIN & RICHARDS, LTD., F.V.I. Incorporated Valuers and Estate Agents, 3 Clarence Parade. Tel. 56351.

Cheltenham.—YOUNG & GILLING (J. T. Walford, A.R.I.C.S., A. W. Allard, F.A.L.P.A.), Auctioneers, Surveyors and Valuers. Established over a century. 3 Crescent Terrace, Cheltenham. Tels. 2129 and 2433.

Cirencester.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Cirencester 62/63.

Gloucester.—SANDOE & SONS, Chartered Auctioneers and Estate Agents, Valuers, 4/5 Market Parade.

HAMPSHIRE

Aldershot, Farnborough, Fleet, Hartley Wintney, Alresford and Winchester.—ALFRED PEARSON & SON (established 1900), Surveyors, Valuers, Auctioneers and Estate Agents:
136 Victoria Road, Aldershot (Tel. Aldershot 17);
Clock House, Farnborough (Tel. Farnbor. 1—2 lines);
Fleet Road, Fleet (Tel. Fleet 1066—3 lines);
High St., Hartley Wintney (Tel. Hartley Wintney 233);
25 West Street, Alresford (Tel. Alresford 274);
Walcote Chambers, High Street, Winchester (Tel. Winchester 3388—2 lines).

Aldershot and Surrey and Hants Borders.—KINGHAM & KINGHAM, Auctioneers, Estate Agents, Surveyors and Valuers, Bank House, Grosvenor Road, Aldershot. Tel. 653 (2 lines).

Alresford.—CUBITT & WEST. Tel. 335. Valuers, Surveyors, Estate Agents.

Alton.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, Ackender House. Tel. 2401/2. And at Farnham, Surrey, and Basingstoke.

Andover.—F. ELLEN & SON, Land Agents, Auctioneers, Valuers and Surveyors. London Street. Tel. 3444 (2 lines). Established 1845.

Basingstoke.—BATESON & NICHOLAS, Auctioneers, Estate Agents, Surveyors and Valuers, 2 Queens Parade (next G.P.O.), New Street. Tel. 566.

Basingstoke.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 36 Winchester Street. Tel. 2255/6. And at Farnham, Surrey and Alton.

Basingstoke.—SIMMONS & SONS, Surveyors, Valuers, Estate Agents and Auctioneers. Tel. 199.

Bournemouth.—FOX & SONS, Surveyors, Valuers and Auctioneers, 44/52 Old Christchurch Road. Tel. Bournemouth 6300 (10 lines). Branch Offices in all Bournemouth districts and at Parkstone, Ringwood, New Milton, Southampton, Brighton and Worthing.

Bournemouth.—RUMSEY & RUMSEY. Head Office 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and the Channel Islands.

Fleet.—H. J. POULTER & SON, Estate Agents, Surveyors and Valuers. Central Estate Offices. Tel. 86.

Gosport.—LAWSON & CO., F.V.I., Estate Agents, Valuers, etc. 9 Brockhurst Road. Tel. 83303 (2 lines).

Gosport.—L. S. VAIL, F.R.I.C.S., Chartered Surveyor, 79 High Street. Tel. 8732.

Havant, Cosham, Portsmouth, Hayling Island.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, 5 West Street, Havant. (Tel. 1244/5. 82 High Street, Cosham. (Tel. 76427/8.) Elm Grove, Hayling Island. (Tel. 77131 and 77148.)

Lymington and Milford-on-Sea.—JACKMAN AND MASTERS (Est. 1886). Auctioneers, Valuers, etc. Tel. Lymington 3292/3.

Lymington and New Forest.—HEWITT & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. High Street. Tel. Lymington 2323/4.

New Milton and Barton-on-Sea.—HEWITT & CO. F.A.I. New Milton. Tel. 43.

Petersfield.—CUBITT & WEST. Tel. 213. Valuers, Surveyors, Estate Agents.

Portsmouth.—P. G. LUDLOW, Angerstein Road, North End. Tel. 61441/2.

Southampton.—PRING & CO., F.A.I., 40 The Avenue. Tel. 22171/2.

Southampton and New Forest.—DRIVERS, JONAS & CO. (Est. 1725), incorporating Waller & King, Chartered Surveyors, Land Agents, Auctioneers and Estate Agents. 17 Cumberland Place, Southampton. Tel. Southampton 24545.

Winchester.—SAVAGE & WELLER, Surveyors, Auctioneers, Valuers and Estate Agents, 25 St. Thomas Street, Winchester. Tel. Winchester 2531.

HEREFORDSHIRE

Hereford.—GREENLANDS, LTD., Auctioneers, Estate Agents, Valuers. Church Street. Tel. 2366 (4 lines).

HERTFORDSHIRE

All W. Herts, S. Bucks.—(Messrs.) J. GIBSON CRACKNELL, Surveyors and Valuers. Est. 1897. 59 Whippendell Road, Watford. Tel. 29205.

Berkhamsted and Hemel Hempstead.—R. J. AITCHISON, F.A.I., M.R.San.I.

Cheshunt, Cuffley, Waltham Cross and District.—ROBERT TIDEY & SON, Waltham Cross. Tel. 22964.

(continued on p. xviii)

HERTFORDSHIRE *(continued)*

Hertford.—NORRIS & DUVALL, F.R.I.C.S., F.A.I., 106 Fore Street. Tel. 2249.

Hitchin.—J. R. EVE & SON, 5 Bancroft. Surveyors, Land Agents, Auctioneers and Valuers. Tel. 2168.

N. Herts. and S. Beds.—W. & H. PEACOCK, Chartered Surveyors. 8 High Street, Baldock, Herts. Tel. 2185.

Rickmansworth, Chorleywood.—SWANNELL & SLY, 53 High Street, Rickmansworth. Tel. 3141. Valuers Auctioneers, etc.

Tring, Hemel Hempstead and Berkhamsted.—W. BROWN & CO., in general practice. Est. 1832.

ISLE OF WIGHT

Bembridge, Cowes, Freshwater, Newport, Ryde, Sandown, Shanklin, Seaview, Ventnor and Yarmouth.—SIR FRANCIS PITTIS & SON, Chartered Surveyors and Chartered Auctioneers.

Cowes, Newport and all Districts.—A. E. & S. C. WADHAM, F.A.L.P.A. (Est. 1860), Cowes. Tel. 1141 (2 lines).

Newport, Ryde, Freshwater, Sandown, Bembridge—WAY, RIDDETT & CO.

KENT

Ashford.—GEERING & COLYER, Auctioneers, Surveyors and Estate Agents, Bank Chambers, Ashford, and at Hawkhurst and Tunbridge Wells, Kent; Rye, Wadhurst and Heathfield, Sussex.

Ashford, Sandwich and East Kent.—JOHN HOGBIN & SON, Auctioneers, Surveyors, Valuers, Land and Estate Agents. Tel. Ashford 449; Sandwich 3163.

Beckenham.—CHRISTOPHER B. CURTIS, M.B.E., Surveyor and Valuer, 257a Croydon Road. Tel. BECkenham 1000.

Beckenham.—JOLLYE & WOOD, 4 The Broadway, Croydon Road. Tel. Beckenham 1430.

Bexleyheath.—ARTHUR KENT & CO., LTD., Surveyors Valuers and Estate Agents. 124/6 Broadway. Tel. 1244/5.

Bromley.—WATERER & DICKINS, Chartered Surveyors, Chartered Auctioneers & Estate Agents, Valuers. 133 High Street, Bromley, Kent. Telephone RAVensbourne 0147/8.

Canterbury.—F. R. W. BERRY, Auctioneer and Estate Agent, 37 St. Margaret's Street. Tel. Canterbury 5268/9.

Canterbury.—FARQUHARSON & MILLARD, F.R.I.C.S., F.A.I., 60 Castle Street, Canterbury. Tel. 4861/2.

East Kent.—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury; and 12 Preston Street, Faversham. Established 1835.

Folkestone.—GEO. MILNE & CO., Auctioneers and Valuers, 107 Sandgate Road. Tel. 3619.

Folkestone.—TEMPLE, BARTON, LTD., F.A.L.P.A., 69 Sandgate Road. Tel. 2258/9.

Folkestone and District.—BANKS & SON (P. R. Bean, F.R.I.C.S., F.A.I.), Chartered Surveyors, Chartered Auctioneers, etc., 6 Bouverie Square, Folkestone. Tel. 4509/3559.

Folkestone and District.—SMITH-WOOLLEY & CO., Chartered Surveyors, Chartered Land Agents, Valuers, Estate Agents, Manor Office. Tel. 51201/2.

Gravesend and Dartford.—PORTER, PUTT AND FLETCHER, F.A.I., Incorporating DANN & LUCAS, Tel. Gravesend 388 and Dartford 3326.

Gravesend and District.—WINNETT, Auctioneers, Estate Agents and Valuers, 155 Milton Road. Tel. Grav. 2229.

Herne Bay.—E. IGGULDEN & SONS (B. Smith, A.R.I.C.S., A.A.I., L. Pilcher), Surveyors, Valuers and Auctioneers, 128 High Street. Tel. 619/620.

Hythe, Saltwood, Romney Marsh and District.—F. W. BUTLER, 86 High Street, Hythe. Tel. 66608.

Maidstone.—H. COUCHMAN & SON, Chartered Surveyors, Chartered Auctioneers and Estate Agents, 42 King Street. Tels. 2558 and 2591.

Maidstone and Mid-Kent.—EVENS & MATTA, A.A.I., M.R.S.H., 70 King Street, Maidstone. Tel. 51283.

Margate.—CLARKE & CRITTENDEN, F.A.L.P.A., Auctioneers and Valuers. Offices: Cliftonville and Westbrook.

Orpington, Petts Wood and West Kent.—MULLOCK, (A. F.) & GOWER (A. F. Mullock, J.P., F.A.L.P.A., C. H. Gower, F.A.I.), 161 High Street. Tel. Orp. 25681/2. And Station Square, Petts Wood. Tel. Orp. 23444.

Ramsgate.—LESLIE HOGBIN, F.R.I.C.S., Chartered Surveyor, Auctioneer, Valuer and Estate Agent. 50 Queen Street. Tel. Thanet 53223/3.

Ramsgate and District.—HOLNESS & OVENDEN, F.A.I., Chartered Auctioneers and Estate Agents, Valuers and Surveyors. Estate House, 73 High Street, Ramsgate. Tel. Thanet 52206/7. Established 1838.

Sandwich and East Kent.—G. C. SOLLEY & CO., Offices: 50 King Street, Sandwich. Tel. 3227.

Sevenoaks.—KEMP & THOMAS, F.A.L.P.A., Estate Agents and Valuers. 11a London Road (Tel. 2916).

Tenterden and the Weald of Kent.—HATCH AND WATERMAN, F.A.I. (Est. 1830), Chartered Auctioneers and Estate Agents. Tenterden. Tel. 33.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

KENT (*continued*)

Tonbridge and District.—NEVE & SON, F.A.I., 146 High Street, Tonbridge. Tel. 3223.

Tunbridge Wells.—DILNOTT STOKES, Chartered Surveyors and Auctioneers, 17 Mount Pleasant. Tel. 3000/1.

Welling.—WM. PORTER & CO., LTD., 28 Falconwood Parade, The Green. Tel. Bexleyheath 2977.

Westgate-on-Sea.—BENEFIELD & CORNFORD, Town Hall Buildings. Thanet 31010.

LANCASHIRE

Barrow-in-Furness.—CHARLES G. LOWDEN, F.R.I.C.S., F.A.I., 18/24 Cornwallis Street, Chartered Surveyor, Chartered Auctioneer, Estate Agent and Valuer. Tel. Barrow 364.

Blackpool and District.—AIREYS', Chartered Auctioneers and Estate Agents, Valuers and Surveyors, 18 Dickson Road, Blackpool. Tel. 22225/6.

Blackpool and Fylde Coast.—J. ENTWISTLE & CO., Auctioneers, Valuers and Estate Agents, Station Chambers, 2 Dickson Road, Blackpool. Tel. 20093/4.

Grange-over-Sands.—MICHAEL C. L. HODGSON, Auctioneers and Valuers. Tel. 2253.

Liverpool.—BOULT, SON & MAPLES, 5 Cook Street. Tel. Central 9941 (7 lines). And at West Kirby.

Liverpool.—SMITH & SONS (Est. 1840), Valuers, etc., 6 North John Street, Central 9386. And at Birkenhead.

Liverpool and District.—H. H. & J. ROBINSON, Auctioneers, Estate Agents and Valuers, 42 Castle Street, Liverpool, 2. Tel. Central 6727. And at 117 South Road, Liverpool, 22.

Liverpool and District.—JOS. RIMMER & SON, 48 Castle Street, Liverpool, 2. Tel. Central 3069. Chartered Surveyors, Chartered Auctioneers and Estate Agents.

Liverpool and Wirral.—T. MARTIN BROWN, F.A.I., Valuer & Estate Agent, Coopers Buildings, Church Street, Liverpool, 1. Tel. Royal 3373/4 and 3 Garston Old Road, Liverpool, 19. Tel. Garston 358.

Manchester.—ALFRED H. GARDNER & SON, F.A.I., Chartered Auctioneers and Estate Agents, 56 Mosley Street. Tel. Central 8985/6. And at Cheadle Hulme.

Manchester.—CLAYTON, SON & CROWTHER, Auctioneers, Valuers and Estate Agents, 76 Mosley Street, Manchester, 2. Tel. Cen. 4943/4.

Manchester.—STUART MURRAY & CO., Auctioneers, etc., 64a Bridge Street. Tel. Blackfriars 5747. And at Altrincham.

Manchester and Oldham.—LESLIE D. CLEGG MORGAN & CO., Chartered Surveyors, Specialists in Town Planning, Rating and Compensation, Prudential Buildings, Union Street, Oldham. Tel. MAin (Oldham) 6401/3. And at 65 Princess Street, Manchester, 2. Tel. Central 7755.

Preston.—E. J. REED & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 47 Fishergate. Tel. 3249.

Rochdale.—ROSSALL, DALBY & PARKER, Auctioneers and Valuers, 5 Blackwater Street. Tel. 3677.

Rochdale and District.—R. BIRTWELL & SON, Chartered Auctioneers and Estate Agents, Valuers, 5 Baillie Street. Tel. 2826.

Rochdale and District.—SHEPHERD LUMB & CO., Auctioneers, etc. The Public Hall, Baillie Street. Tel. 3826.

LEICESTERSHIRE

Leicester.—DONALD BOYER, F.A.I., Chartered Auctioneer & Estate Agent, Valuer-Mortgage, Probate Insurance, Northampton Street. Tel. 21564 (and Rugby).

Leicester and County.—RANDLE & ASPELL (F. E. J. Randle, F.V.I., C. G. Hale, F.A.I., A.A.L.P.A., G. H. Aspell, A.R.I.C.S., F.A.I., M.R.San.I.), 74 Halford Street. Tel. 5137/8.

Market Harborough.—HOLLOWAY, PRICE & CO., Est. 1809. Chartered Surveyors, Chartered Auctioneers. Tel. 2411.

LINCOLNSHIRE

Grantham and District.—BAILEY & AMBLER, Chartered Auctioneers and Estate Agents, Westminster Bank Chambers, Grantham, Lincs. Tel. 418 (2 lines).

Scunthorpe and District.—SPILMAN, GLASIER AND LONSDALE, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 72 Mary Street, Scunthorpe. Tel. 3803. Est. over 75 years.

Spalding.—S. & G. KINGSTON, F.A.I., Auctioneers, etc., Hall Place Chambers. Tel. 2011.

MIDDLESEX

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG. 0123/4.

Enfield and North London.—CAMPION & DICKINS, Surveyors, Valuers, etc., 28 Little Park Gardens, Enfield. Enfield 1224/5.

Harrow.—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

MIDDLESEX (*continued*)

Harrow.—P. N. DEWE & CO. See "London Suburbs" Section. Established 1925.

Harrow.—WARNER & CO. (T. A. Warner, F.A.L.P.A.), Surveys, Valuations, etc., Specialists in Urban Estate Management, 51 Station Road, North Harrow. Tel. Harrow 9636/7/8.

Harrow.—G. J. HERSEY AND PARTNER, Chartered Auctioneers and Surveyors, Rating and Factory Valuers, 44 College Road, Harrow, Middlesex. Tel. HARrow 7484; 368 Bank Chambers, 329 High Holborn, W.C.1.

Harrow.—Messrs. JOHN SEARCY (J. H. Searcy, M.Inst.R.E., F.A.I., Chartered Auctioneer and Estate Agent; J. Gray, F.A.L.P.A., Incorporated Auctioneer and Estate Agent), 21 College Road, Harrow. Tel. Harrow 9323/4. Adjoining Harrow-on-the-Hill Metro Station.

Harrow and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 202 Northolt Road, S. Harrow. (Tel. Byron 1023 (5 lines)), and 15 College Road, Harrow (Tel. Harrow 5178 (3 lines)). Also at Ruislip and Pinner.

Hayes.—KEVIN & FIELD, LTD. (Lister S. Camps, F.F.S., F.V.I., M.R.S.H.), Grange Chambers, Uxbridge Road. Tel. Hayes 3691/2.

Hounslow.—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184.

Moor Park and Northwood.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, MOOR PARK ESTATE OFFICE, Moor Park Station, Northwood. Tel. Northwood (NH2) 4131. And at Harrow, North Harrow and Sudbury, Wembley.

Northwood.—GILBERT LUCK, F.A.L.P.A., Surveyors and Valuers, 58 Green Lane, Northwood. Tel. 2352/3/4, and 111 Pinner Road, Northwood Hills.

Northwood and Pinner.—MANDLEY & SPARROW, Auctioneers, Valuers, etc., 25 Maxwell Road, Northwood. Tel. 3295/6. And branches in Hertfordshire.

Northwood and Pinner.—SWAINELL & SLY, 3 Maxwell Road, Northwood. Tel. 19. Valuers, Auctioneers, etc.

Pinner and District.—BARR & MEAD (C. Grainer, F.A.L.P.A., M.R.San.I.), 2 High Street, Pinner. PInner 7727 and 7800. Also at South Harrow, Harrow and Ruislip.

Pinner (Hatch End).—BRODIE, MARSHALL & CO., Auctioneers, Valuers and Estate Agents, 339 Uxbridge Road, Hatch End. Telephone Hatch End 2238 and 2239.

Ruislip and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 108 High Street, Ruislip. Tel. Ruislip 2215 and 4583. Also at South Harrow, Harrow and Pinner.

Ruislip, Ickenham and District.—JOHN MEACOCK AND CO., 123/125 High Street, Ruislip. Tel. Ruislip 3072/3/4. And opposite the Church, Ickenham. Tel. Ruislip 5526 and 9824.

Southall and Greenford.—AUSTIN FARR & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 11 South Road, Southall. SOU 6555 (4 lines). 45 The Broadway, Greenford. WAX 4642/4438.

Wembley Park.—LLOYDS (Principal D. J. Westmore, F.R.I.C.S., M.R.San.I.), Chartered Surveyors, Auctioneers and Valuers, 13 Bridge Road. Tel. Arnold 1123/4.

West Drayton and Yiewsley.—R. WHITLEY & CO., Chartered Auctioneers and Estate Agents, 40 Station Road. Tel. W. Drayton 2185.

NORFOLK

Cromer.—R. I. WORTLEY, F.R.I.C.S., Chartered Surveyor, etc., 15 Church Street. Tel. Cromer 2069.

Norwich.—ALDRIDGE & PARTNERS, 22 Surrey Street, Surveyors and Estate Agents. Tel. Norwich 28517/8.

Norwich.—CLOWES, NASH & THURGAR, Est. 1848 (H. M. Thurgar, F.A.I., R. F. Hill, F.A.L.P.A., C. M. Thurgar, A.A.I.), 6 Tombland. Tel. 27261/2.

Norwich.—J. E. TAYLOR, Auctioneer and Estate Agent, 35 Tombland. Tel. 26638.

Norwich and East Anglia.—K. H. FIELDING & SON (J. L. Fielding, F.R.I.C.S., F.A.I.), Chartered Surveyors, etc., 1 Upper King Street, Norwich. Tel. 22980.

West Norfolk.—CRUSO & WILKIN, Chartered Auctioneers and Estate Agents, 27 Tuesday Market Place, King's Lynn. Tel. King's Lynn 3111/2.

NORTHAMPTONSHIRE

Northampton and Daventry.—MERRY, SONS & CO., LTD., Auctioneers, Valuers and Estate Agents, 9 Fish Street, Northampton. Tel. 136. 33 Sheaf Street, Daventry. Tel. 336.

Northampton and District.—WOODS & CO., F.A.I., Chartered Auctioneers and Estate Agents, Valuers, 18 Castilian Street, Northampton. Tel. 3300/1. Established 85 years.

Peterborough and District.—DAKING & DAKING. Est. 1887. Auctioneers, Valuers, Surveyors and Estate Agents, Broadway, Peterborough. Tel. 5245/6.

Peterborough and District.—FOX & VERGETTE, Auctioneers, Valuers, Surveyors and Estate Agents, 16 Priestgate. Tel. 4261/2. Est. over 150 years.

Peterborough and Adjoining Counties.—NORMAN WRIGHT & PARTNERS, Surveyors, 26 Priestgate, Peterborough. Tel. 5695/6.

(*continued on p. xix*)

NORTHUMBERLAND

Newcastle upon Tyne, covering the North.—HINDMARSH, HEPPELL & BOURN (Est. 1862), Chartered Auctioneers and Estate Agents, Surveyors, 61 Westgate Road, Newcastle upon Tyne. And at Wallsend-on-Tyne.

NORTHUMBERLAND AND DURHAM

HINDMARSH & PARTNERS, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 49 Park View, Whitley Bay (Tel. 2351/2), 107 Northumberland St., Newcastle (Tel. 610081 (4 lines)). And at Gateshead and Alnwick.

Newcastle.—DAVID A. LARMOUR & SON, F.R.I.C.S., F.A.I., Saville Row. Tel. Newcastle 20727/8.

WALLHEAD GRAY & COATES, Chartered Auctioneers, and Estate Agents, Surveyors and Valuers, 84 Pilgrim Street, Newcastle. (Tel. 27471/2.) 75 West Street, Gateshead. (Tel. 72197.) 7 Priestpopple, Hexham. (Tel. 302.) 26 Frederick Street, Sunderland. (Tel. 2544.)

NOTTINGHAMSHIRE

Newark.—EDWARD BAILEY & SON, F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 7 Kirkgate, Newark. Tel. 39.

Nottingham.—ROBERT CLARKE & CO., Chartered Surveyors and Rating Valuers, Oxford Street. Tel. 42534/5.

Nottingham.—WALKER, WALTON & HANSON, Chartered Surveyors and Valuers, Chartered Auctioneers and Estate Agents, Byard Lane. Est. 1841. Tel. Nottingham 54272 (7 lines).

Retford.—HENRY SPENCER & SONS, Auctioneers, 20 The Square, Retford, Notts. Tel. 531/2. And at 4 Paradise Street, Sheffield. Tel. 25206. And 91 Bridge Street, Worksop. Tel. 2654.

OXFORDSHIRE

Bicester, Thame and Oxford.—E. P. MESSENGER & SON, Chartered Surveyors, Auctioneers, Valuers, etc. Thame 263/4; Bicester 10; and Oxford 47281.

Oxford and District.—BUCKELL & BALLARD. Est. 1887. R. B. Ballard, F.A.L.P.A., H. I. F. Ryan, F.R.I.C.S., F.A.I., H. S. Ballard, A.R.I.C.S., F.A.I., 58 Cornmarket Street, Oxford. Tel. 44151, and at Wallingford, Berks. Tel. 3205.

Oxford, Banbury and surrounding districts.—E. J. BROOKS & SON, F.A.I. (Established 1840), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, "Gloucester House," Beaumont Street, Oxford. (Tel. 4535/6), and 54 Broad Street, Banbury (Tel. 2670).

Thame and District.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 60 North Street. Tel. 288.

SHROPSHIRE

Craven Arms.—JACKSON & McCARTNEY, Chartered Auctioneers, Valuers and Estate Agents. Tel. 2185.

Shrewsbury.—HALL, WATERIDGE & OWEN, LTD., Chartered Auctioneers, Valuers and Estate Agents. Tel. 2081.

Shrewsbury and South Shropshire.—DEAKIN & COTTERILL, 8 Wyle Cop, Shrewsbury, Auctioneers, Estate Agents and Valuers. Tel. 5306 and 2313. And at Church Stretton.

Wellington.—BARBER & SON, Auctioneers, Valuers, Surveyors and Estate Agents, 1 Church Street. Tel. 27 and 444 Wellington.

Whitchurch.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 15 Watergate Street, Whitchurch. Tel. 62.

SOMERSET

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Bath and District.—Estate Agents, Auctioneers and Valuers, Valuations for Probate, Mortgage, etc. HALLETT & CO., 3 Wood Street, Queen Square, Bath. Tel. 3779 and 2118.

Bath and District.—JOLLY & SON, LTD. (Est. 1825.) Estate Agents and Valuers, Funeral Directors, Probate Valuers, Chattell Auction Rooms, Milsom Street, Bath. (Tel. 3201.)

Bath, Bristol and Districts.—LOUIS POWELL & CO., Incorporated Auctioneers, Estate Agents and Valuers, 1 Princes Buildings, Bath. Tel. 2127.

Bath and the West.—CRISP'S ESTATE AGENCY (C. Cowley, F.V.I., Incorporated Surveyor and Valuer, J. L. Cowley, A.A.I., Chartered Auctioneer and Estate Agent) (Est. 1879), Abbey Chambers, York Street, Bath. Tel. 3606 and 61706.

Crewkerne.—25 miles radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 546.

Taunton and District.—C. R. MORRIS, SONS AND PEARD, Land Agents, Surveyors, Valuers, Auctioneers, 6a Hammet Street. Tel. 2546. North Curry. Tel. 319.

WRANGHAM, J., said that he accepted that the husband did entertain the belief that the wife was improperly associating with the husband of the neighbouring couple and that the child was in moral danger. He equally accepted that there was absolutely no ground whatever for either of those beliefs, and that they were entertained by him not on any reasonable ground, but because he was a man with a sick mind who was capable of forming those ideas, as he had formed the ideas of persecution and conspiracy in November, 1955. It was said, and said with justice, that that was not pleaded in any answer. In answer to the first supplemental petition it could have been pleaded that the husband was not responsible for the way in which he behaved on that occasion owing to the operation of the McNaghten Rules. But at the time when the supplemental petition was served, and when the answer was filed, the husband was acting for himself, and one could understand that it might be a little difficult for a husband acting for himself to plead that he was not responsible for what he did because he did not at the time understand the nature and quality of his act or that what he was doing was wrong. In those circumstances, he (his lordship) ought to give effect to his finding, whatever the state of the pleadings. At that stage he did not realise that it was wrong for him to make those accusations against his wife because he firmly believed them to be true and they did not, therefore, amount to cruelty. His lordship then referred to the second supplemental petition and to *Astle* v. *Astle* [1939] P. 415, and said that on the one side there was as a result of the assault on 15th May a real reason for regarding the wife's health as endangered by continuing to live with her husband, so that it would be unfair to the wife to refuse a decree, but, on the other hand, he also saw what would apparently be the unfairness to the husband of relying on an act which, committed by a different kind of man, would not give rise to the inference of danger for the future. But he had made up his mind that where there was an indefensible act, in the present case an assault, which when committed by the particular man who committed it gave rise to an apprehension of injury in the future, that must be good ground for a finding of cruelty, even though such an act, when committed by a different kind of man, would not give rise to that inference and, therefore, would not be described as cruelty. But on the very limited basis which he had endeavoured to define, he was bound to find the husband guilty of cruelty on the second supplemental petition only.

APPEARANCES: *Mrs. Esther Iwi* (*Edward F. Iwi*); the husband appeared in person.

[Reported by Miss ELAINE JONES, Barrister-at-Law] [1 W.L.R. 1089

HUSBAND AND WIFE: MAINTENANCE: HIGH COURT ORDER REGISTERED IN MAGISTRATES' COURT: VARIATION: PRINCIPLES

Miller *v.* Miller

Marshall, J. 30th May, 1960

Appeal from magistrates by summons adjourned into open court.

A wife, after obtaining a decree absolute of divorce, was granted in the High Court an order for maintenance for herself and the three children of the marriage. That order was registered in a magistrates' court under the Maintenance Orders Act, 1958. The husband applied to the magistrates' court to vary the order on the ground that the wife had committed adultery. The magistrates held that adultery by the wife had been proved, and reduced the amount payable in respect of her maintenance from £400 per annum, less tax, to £26 per annum. The wife appealed to the High Court.

MARSHALL, J., said that in exercising its jurisdiction to vary a High Court order for maintenance, a magistrates' court must act upon the same principles and considerations as the High Court had to follow in exercising the same jurisdiction. Always the relative financial resources and the capacity and opportunity to earn of the parties must be taken into account. In the absence of a *dum sola et casta* clause, remarriage of itself did not provide a ground for reducing a maintenance order, although it was a factor which must be taken into account when a court considered whether the fortune of a wife had increased thereby because the second husband was in the nature of a pecuniary asset to her. The remarriage of a husband should also be considered in the context of whether it had decreased his resources. The conduct of the parties was another circumstance that fell to be considered. The mere fact that the wife, after obtaining a maintenance order, had had sexual intercourse with a single man, or committed adultery with a married man, did not of itself entitle a court to reduce the order to a nominal figure. Such conduct should be taken into account and primarily be considered in the light of the difference it made in the relative financial position of the parties. Any appeal from a magistrates' order upon a complaint to vary a maintenance order made in the High Court should be dealt with by the judge in chambers, in the same way as registrars' orders were dealt with in cases where there had been no registration in any other court. In all the circumstances, the just and reasonable order to make was to halve the rate of maintenance in respect of the wife. Appeal allowed.

APPEARANCES: *Roger Ormrod*, Q.C., and *H. E. L. McCreery* (*Jaques & Co.*, for *Clarke, Willmott & Clarke*, Wellington, Somerset); *Norman Skelhorn*, Q.C., and *J. H. Inskip* (*Penny & Harward*, Tiverton, Devon).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law] [3 W.L.R. 658

Birmingham Consistory Court

ECCLESIASTICAL LAW: FACULTY: DEMOLITION OF CHURCH: JURISDICTION

***In re* St. George's, Birmingham**

Henry Salt, Q.C., Chancellor. 21st July, 1960

Petition for a faculty.

The rector and churchwardens of a parish petitioned for a faculty to demolish the parish church. The petition was unopposed.

HENRY SALT, Q.C., Ch., said that it was always a serious matter to authorise the demolition of a church. Where it must needs be done, in the interests of the cure and care of souls which was a paramount consideration, it might be possible, and even desirable, to have recourse to the machinery provided by one or more of the measures in this behalf. Parallel with this, and unaffected by it, there remained the ancient jurisdiction of the court to entertain, and in a proper case to accede to, a petition by persons having a proper *locus standi*, for a faculty to enable the demolition to be carried out. Having listened to the evidence, he felt bound to accede to the prayer of the petition and grant the requisite faculty for the demolition of St. George's Church. The order, however, would contain two reservations: first, that the tomb of the architect of the church should be left undisturbed in the adjoining graveyard; and, secondly, that all memorial tablets within the church itself should be carefully taken down and stored, with a view to their use thereafter in any new, and perhaps smaller, church which might be erected on the present site, or part thereof, or in some neighbouring church, if that could be arranged under the supervision, in the first instance, of the archdeacon. Faculty granted.

APPEARANCE: *Johnson & Co.*, Birmingham.

[Reported by J. D. PARKINSON, Esq., Barrister-at-Law] [1 W.L.R. 1069

IN WESTMINSTER AND WHITEHALL

STATUTORY INSTRUMENTS

Bristol Waterworks (Weston-super-Mare) Order, 1960. (S.I. 1960 No. 1779.) 8d.

County of Inverness (Allt A'Ghoirtein, Elgol, Skye) Water Order, 1960. (S.I. 1960 No. 1784 (S.88).) 5d.

Derby (Water Charges) Order, 1960. (S.I. 1960 No. 1745.) 5d.

East of Snaith–York–Thirsk–Stockton-on-Tees–Sunderland Trunk Road (North Burn Bridge and Other Diversions) Order, 1960. (S.I. 1960 No. 1768.) 5d.

East Surrey Water Order, 1960. (S.I. 1960 No. 1746.) 6d.

Exchange Control (Authorised Dealers and Depositaries) (Amendment) Order, 1960. (S.I. 1960 No. 1783.) 4d.

Factories (Cleanliness of Walls and Ceilings) Order, 1960. (S.I. 1960 No. 1794.) 5d.

Great Yarmouth Water Order, 1960 (S.I. 1960 No. 1790.) 5d.

Import Duties (General) (No. 10) Order, 1960. (S.I. 1960 No. 1764.) 5d.

Import Duties (Temporary Exemptions) (No. 9) Order, 1960. (S.I. 1960 No. 1762.) 1s. 8d.

Import Duties (Temporary Exemptions) (No. 10) Order, 1960. (S.I. 1960 No. 1763). 1s. 8d.

Import Duty Drawbacks (No. 11) Order, 1960. (S.I. 1960 No. 1765.) 4d.

Leeds Ring Road (Coal Road, Seacroft) Order, 1960. (S.I. 1960 No. 1741.) 4d.

London (Waiting and Loading) (Restriction) (Amendment) (No. 4) Regulations, 1960. (S.I. 1960 No. 1736.) 5d.

London Parking Zones (Waiting and Loading) (Restriction) (Amendment) Regulations, 1960. (S.I. 1960 No. 1737.) 8d.

London Traffic (Prescribed Routes) (Barking) Regulations, 1960. (S.I. 1960 No. 1779.) 4d.

London Traffic (Prescribed Routes) (Chelsea) Regulations, 1960. (S.I. 1960 No. 1780.) 4d.

London Traffic (Prescribed Routes) (Esher) Regulations, 1960. (S.I. 1960 No. 1773.) 4d.

London Traffic (Prescribed Routes) (Holborn) Regulations, 1960. (S.I. 1960 No. 1734.) 5d.

London Traffic (Prescribed Routes) (St. Marylebone) (No. 2) Regulations, 1960. (S.I. 1960 No. 1776.) 4d.

London Traffic (Prescribed Routes) (Shoreditch) (No. 2) Regulations, 1960. (S.I. 1960 No. 1735.) 4d.

London Traffic (Prohibition of Cycling on Footpaths) (Staines) (No. 2) Regulations, 1960. (S.I. 1960 No. 1781.) 4d.

London Traffic (Prohibition of Waiting) (Beaconsfield) Regulations, 1960. (S.I. 1960 No. 1775.) 5d.

London Traffic (Weight Restriction) (Leatherhead) Regulations, 1960. (S.I. 1960 No. 1774.) 4d.

Mid Kent Water (Financial Provisions) Order, 1960. (S.I. 1960 No. 1793.) 8d.

Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1960. (S.I. 1960 No. 1777.) 5d.

National Health Service (Emergency Mental Treatment) Regulations, 1960. (S.I. 1960 No. 1794.) 4d.

National Insurance (Non-participation—Local Government Staffs) (Scotland) Regulations, 1960. (S.I. 1960 No. 1785 (S.89).) 5d.

North Calder Water Board (No. 2) Order, 1960. (S.I. 1960 No. 1766.) 5d.

Stopping up of Highways Orders, 1960:—

County of Carmarthen. (No. 1). (S.I. 1960 No. 1742.) 5d.

County of Chester (No. 16). (S.I. 1960 No. 1769.) 5d.

County of Derby (No. 14). (S.I. 1960 No. 1749.) 5d.

County of Derby (No. 16). (S.I. 1960 No. 1750.) 5d.

County of the City of Exeter (No. 1). (S.I. 1960 No. 1770.) 5d.

County of Gloucester (No. 12). (S.I. 1960 No. 1751.) 5d.

County of Hampshire (No. 11). (S.I. 1960 No. 1752.) 5d.

County of Kent (No. 26). (S.I. 1960 No. 1786.) 5d.

County of Leicester (No. 1) Order, 1958 (Variation). (S.I. 1960 No. 1771.) 5d.

County of Leicester (No. 20). (S.I. 1960 No. 1772.) 5d.

County of Leicester (No. 21). (S.I. 1960 No. 1787.) 5d.

City and County Borough of Liverpool (No. 16). (S.I. 1960 No. 1788.) 5d.

County of Pembroke (No. 2). (S.I. 1960 No. 1740.) 5d.

County of Pembroke (No. 3). (S.I. 1960 No. 1743.) 5d.

County of Salop (No. 3). (S.I. 1960 No. 1744.) 5d.

Telephone Regulations, 1960. (S.I. 1960 No. 1754.) 2s. 7d.

Town and Country Planning (Use Classes) (Amendment No. 2) Order, 1960. (S.I. 1960 No. 1761.) 5d. See p. 816, *ante*.

Trent River Board (Abolition of the Bramcote Brook Internal Drainage District) Order, 1960. (S.I. 1960 No. 1789.) 5d.

SELECTED APPOINTED DAYS

September

30th — Betting and Gaming Act, 1960, ss. 2 (2), 4 (2), (3), (4), 8, 10, 19 (5), 27, 28, 29 (4), 30, 31 (1), (2), Scheds. I (except for para. 8 purposes) and III.
Betting (Licensing) Regulations, 1960. (S.I. 1960 No. 1701.)

October

1st — Building Societies Act, 1960.
Coal Mines (Precautions against Inflammable Dust) (Variation) Regulations, 1960. (S.I. 1960 No. 1738.)
First-Aid (Revocation) Regulations, 1960. (S.I. 1960 No. 1690.)
First-Aid Boxes (Miscellaneous Industries) Order, 1960. (S.I. 1960 No. 1691.)
Food Hygiene (Docks, Carriers, etc.) Regulations, 1960. (S.I. 1960 No. 1602.)
Food Hygiene (General) Regulations, 1960. (S.I. 1960 No. 1601.)
National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations, 1960. (S.I. 1960 No. 1274.)
National Insurance (Non-participation—Local Government Staffs) Regulations, 1960. (S.I. 1960 No. 1725.)
Patents, etc. (United Arab Republic) (Convention) Order, 1960. (S.I. 1960 No. 1651.)
Population (Statistics) Act, 1960, ss. 2, 3, 4.
Registration (Births, Still-births and Deaths) (Prescription of Forms) Regulations, 1960. (S.I. 1960 No. 1603.)
Registration (Births, Still-births, Deaths and Marriages) Amendment Regulations, 1960. (S.I. 1960 No. 1604.)
Road Vehicles (Excise) (Prescribed Particulars) (Amendment) (No. 2) Regulations, 1960. (S.I. 1960 No. 1647.)
Road Vehicles (Part Year Licensing) (Revocation) Order, 1960. (S.I. 1960 No. 1639.)
Road Vehicles (Period Licensing) Order, 1960. (S.I. 1960 No. 1023.)
Road Vehicles (Period Licensing) (Variation) Order, 1960. (S.I. 1960 No. 1640.)
Road Vehicles (Registration and Licensing) (Amendment) Regulations, 1960. (S.I. 1960 No. 1648.)
Rules of the Supreme Court (No. 2), 1960. (S.I. 1960 No. 1262 (L.12).)
Slaughter of Animals (Prevention of Cruelty) Regulations, 1958 (S.I. 1958 No. 2166), reg. 5.
Slaughterhouses (Hygiene) Regulations, 1958 (S.I. 1958 No. 2168), Pts. I, II, regs. 19 (1), 25 (*f*), 32.
Town and Country Planning (Use Classes) (Amendment No. 2) Order, 1960. (S.I. 1960 No. 1761.) 5d.

3rd — Wages Regulation (Cutlery) Order, 1960. (S.I. 1960 No. 1675.)
Wages Regulation (Cutlery) (Holidays) Order, 1960. (S.I. 1960 No. 1676.)
Wages Regulation (Sack and Bag) Order, 1960. (S.I. 1960 No. 1649.)

5th — Wages Regulation (Flax and Hemp) Order, 1960. (S.I. 1960 No. 1713.)

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

SOMERSET (*continued*)

Weston-super-Mare.—LALONDE BROS. & PARHAM (Est. 1848), 23 Waterloo Street (Tel. 4500); and at Bristol.

Weston-super-Mare and District.—MASTERS & CO. F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 5 High Street. Tel. 6443/4.

Yeovil and District.—PALMER, SNELL & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. Tel. 25 and 1796. London Office: 130 Mount Street, W.1.

STAFFORDSHIRE

Stoke-on-Trent and North Staffs.—CHARLES BUTTERS & SONS, Established 1856. Chartered Auctioneers, Surveyors, Valuers and Estate Agents, Trinity Buildings, Hanley, Stoke-on-Trent. Tel. 21381/9. Also at Leek.

SUFFOLK

Bury St. Edmunds and East Anglia.—LACY SCOTT AND SONS, 3 Hatter Street, Bury St. Edmunds. Phone 43 and 692.

Ipswich and East Anglia.—SPURLINGS & HEMPSON (Est. 1780), Chartered Surveyors, Chartered Auctioneers, 26 Princes Street, Ipswich. Tel. 51807/8.

Ipswich and East Anglia.—WOODCOCK & SON, 16 Arcade Street, Ipswich. Tel. 54352 (2 lines). Specialists in Selling Country Property and Farms. Established 1850.

Woodbridge and East Suffolk.—ARNOTT & CALVER, Auctioneers and Valuers. Est. 1870. Tel. 179.

SURREY

Addiscombe, Shirley, Croydon.—MILLER, WILKINS AND CO., Auctioneers, Surveyors and Valuers, 191 Lower Addiscombe Road. Tel. ADDiscombe 2233/4; and 142 Wickham Road, Shirley. Tel. ADDiscombe 4021.

Ashstead and Leatherhead.—DOUGLAS & CO., F.A.L.P.A. Principal Office: 8 High Street, Leatherhead. Tel. 4136/7 (5 Offices).

Camberley (Hants and Berks Borders).—SADLER AND BAKER, Chartered Auctioneers and Estate Agents, 95 High Street. Est. 1880. Tel. 1619.

Caterham and District, Sanderstead to Purley.—J. C. O'BRIEN, Station Avenue, Caterham. Tel. 4255 and 348. Limpsfield Road, Sanderstead. Tel. 4426.

Cobham.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 47. Offices throughout West Surrey.

Coulsdon.—SINDEN, TOMKINS & KING, F.A.L.P.A., Valuers, Surveyors and Estate Agents, 26 Chipstead Valley Road. Tel. UPLands 0600.

Croydon.—BLAKE, SON & WILLIAMS. Est. 1798. Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 51 High Street, Croydon. CROydon 7155/6.

Croydon, Addiscombe and Wallington.—BOWDITCH & GRANT. (Est. 1881). Surveyors, Valuers, Auctioneers, 103/105 George Street, Croydon. Tel. CRO 0138/9.

Croydon and District.—JOHN P. DICKINS & SONS, Surveyors, Valuers and Estate Agents. Est. 1882. 2 and 4 George Street, Croydon. CROydon 3128/9/30.

Croydon and London.—HAROLD WILLIAMS AND PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, 80 High Street, Croydon. Tel. Croydon 1931. And at Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288.

Croydon and Epsom.—ROBT. W. FULLER, MOON AND FULLER, Chartered Surveyors, Valuers and Auctioneers, 85 High Street, Croydon (CRO 3124/6), and at Epsom (communications to Croydon Office). Established 1824.

Croydon and Sutton.—SAINT, SYMINGTON AND STEDMAN, Surveyors, Auctioneers and Valuers, 106 High Street, Croydon. Tel. CRO 2216/7. And at 6 Cheam Road, Sutton. Tel. VIG 7616/7.

Dorking.—ARNOLD & SON, Auctioneers & Surveyors, 171 High Street and branches. Est. 1855. Tel. 2201/2.

Dorking.—WHITE & SONS, 104 High Street. Agricultural and General Surveyors and Valuers. Tel. 3255.

Dorking & London.—PEARSON, COLE & SHORLAND, Auction and Estate Offices, Dorking. Tel. 3897/8. Surveyors, Valuers and Auctioneers; and at 2 Hans Road, S.W.3. Tel. Kensington 0066.

Dorking, Bookham and Effingham.—CUBITT AND WEST. Tel. Dorking 2212, Bookham 2744. Valuers, Surveyors, Estate Agents.

Dorking and Reigate.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 258/260 High Street, Dorking. Tel. 4071/2. 6 Church Street, Reigate. Tel. 4422/3. And at Leatherhead and Epsom.

Epsom and Ewell.—DOUGLAS & CO., F.A.L.P.A. Principal Office: 10 High St., Epsom. Tel. 2362/4. (5 Offices, Ewell to Leatherhead).

Epsom and Leatherhead.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 21 High Street, Epsom. Tel. 4045/6. 4 Bridge Street, Leatherhead. Tel. 4133/4. And at Reigate and Dorking.

Esher.—EWBANK & CO., in association with Mann & Co. Est. 1891. Tel. 3537/8. Offices throughout West Surrey.

Esher and District.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street. Tel. Esher 12.

SURREY (*continued*)

Ewell.—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1665/6.

Farnham.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 5274 (2 lines).

Farnham.—CUBITT & WEST. Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.

Farnham.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 74 Castle Street. Tel. 6221/3. And at Alton and Basingstoke, Hants.

Farnham.—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.

Farnham.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 32 South Street. (Tel. 6277).

Godalming.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).

Guildford.—MANN & CO., Est. 1891, 22 Epsom Road. Tel. 62911/2. Offices throughout West Surrey.

Guildford.—MESSENGER, MORGAN & MAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.

Guildford.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 144 High Street. (Tel. 2811/2).

Haslemere.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.

Haslemere and Hindhead.—CUBITT & WEST. Tel. Haslemere 2345/6/7, Hindhead 63. Valuers, Surveyors, Estate Agents.

Kingston.—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.

Kingston.—NIGHTINGALE, PAGE & BENNETT, Est. 1825, Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.

Kingston upon Thames and Area.—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.L.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.

Leatherhead, Ashstead, Oxshott.—CHAS. OSENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashstead 2382, Oxshott 3344.

Mitcham.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.

Redhill and Merstham.—E. H. BENNETT & PARTNERS, Auctioneers and Valuers. Tel. Redhill 3672. Merstham 2234/5.

Reigate.—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.

Richmond.—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 27 Kew Road (Opposite Richmond Station). Tel. RIC 4811/2.

Richmond.—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).

Sanderstead.—HOOKER & ROGERS, Railway Approach, Sanderstead. Manager, K. C. Fox, A.R.I.C.S. Tel. SAN 4414/5.

Surbiton.—E. W. WALLAKER & CO., F.A.L.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4 and 4750, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.)

Sutton.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.

Sutton.—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 300 Abbey House, Westminster.

Thornton Heath.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.

Thornton Heath.—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 808 London Road. Tel. THO 3988 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.

Virginia Water and Wentworth.—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 8 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.

Wallington.—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.

Walton.—MANN & CO., Est. 1891, 38 High Street. Tel. 2331/2. Offices throughout West Surrey.

Walton and Weybridge.—HIGBY & CHARD (Consultants: George Goon, M.A., F.R.I.C.S., V. C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 20487/8.

Walton/Weybridge.—WARING & CO. Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.

West Byfleet.—MANN & CO., incorporating Ewbank and Co. Est. 1891. Tel. 3288/9. Offices throughout West Surrey.

Weybridge.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/5. Offices throughout West Surrey.

Weybridge and District.—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.

Weybridge and District.—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9.

(*continued on p. xx*)

SURREY (*continued*)

Woking.—HOAR & SANDERSON, F.V.I. Tel. 2263/4. Ten associated Surrey offices.

Woking.—MANN & CO., Est. 1891, Chartered Surveyors Tel. 3800 (6 lines). Offices throughout West Surrey.

Woking.—MOLDRAM, CLARKE & EDGLEY, Chartered Surveyors. Tel. 3419; and at Guildford.

SUSSEX

Angmering-on-Sea, Rustington, Worthing and Storrington.—BERNARD TUCKER & SON. Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.L.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9. Storrington 535.

Arundel and Rustington.—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.

Bexhill-on-Sea.—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.

Bexhill-on-Sea and Cooden.—ERNEST SHEATHER, F.A.I., & PARTNER, Auctioneers and Estate Agents, 14 St. Leonards Road. Tel. 350, 351 and 2280.

Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

Brighton.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

Brighton.—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

Brighton and Hove.—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

Brighton, Hove and Surrounding Districts.—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

Brighton and Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885, Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Sussex. Tel. 71291.

Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

Crawley.—WM. WOOD, SON & GARDNER, Surveyors and Valuers. Tel. Crawley, 1.

Crowborough.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road. Tel. Eastbourne 1285.

Eastbourne.—HEPPORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 87 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., H.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

East Grinstead.—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.

Hassocks and Mid-Sussex.—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hassocks 862/3.

Hastings, St. Leonards and East Sussex.—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, F.R.I.C.S.), Consultant Chartered Surveyors. Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661 (3 lines).

Hastings, St. Leonards and East Sussex.—WEST (Godrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6698/9.

Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

Horsham.—KING & CHASEMORE, Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

REGISTER OF

Auctioneers, Valuers, Surveyors, Land and Estate Agents

SUSSEX *(continued)*

Hove.—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent. 75 Church Road, Hove. Tel. Hove 37213 (3 lines).

Hove.—PARSONS SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.

Hove and District.—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.

Hove, Portslade, Southwick.—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.

Lancing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Lewes and Mid-Sussex.—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 750. And at Ditchling and Hurstpierpoint.

Seaford.—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.

Storrington, Pulborough and Billinghurst.—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billinghurst (Tel. 391).

Sussex and Adjoining Counties.—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).

West Worthing and Goring-by-Sea.—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.

Worthing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Worthing.—EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.

Worthing.—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.

Worthing.—PATCHING & CO., Est. over a century. Tel. 5000. 5 Chapel Road.

Worthing.—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

WARWICKSHIRE

Birmingham and District.—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2. Midland 4784 (4 lines).

WARWICKSHIRE *(continued)*

Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

Coventry.—CHAS. B. ODELL & CO. (Est. 1901) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).

Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

Rugby and District.—WIGGINS & RUSSELL, Auctioneers, etc., 14 Regent Place, Rugby (Tel. 2548).

Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE *(continued)*

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street Tel. 3399/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyor 2 Wormald Row, Leeds, 2. Tel. 3-0171/2.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all

Hackney Carriage — Refusal of Licence — Change of Ownership—Right of Appeal

Q. We act for the purchaser of a hackney carriage business who has been refused a transfer of his transferor's hackney carriage licence by the local authority. Whilst we find that an appeal can be made against the decision under the Town Police Clauses Act and on through the Public Health Acts, we are unable to trace the grounds upon which such an appeal can be based. We should be glad if you could advise us what procedure should be adopted and the grounds on which an appeal can be made.

A. If the change of ownership has taken place during the time for which the licence is valid, your client is entitled to have his name entered on the licence and the register of licences in place of that of the former owner: *R.* v. *Weymouth Corporation; ex parte Teletax (Weymouth), Ltd.* [1947] K.B. 583. However, apart from this, the local authority may refuse to grant a licence and it is not true to say that "just because a person has a licence granted him one year, he is entitled to have it another year" (per Wrottesley, J., in *R.* v. *Prestwich Corporation; ex parte Gandz* (1945), 109 J.P. 157: cf. *Ex parte Mitcham* (1864), 5 B. & S. 585). Nevertheless, it seems that a person to whom a licence is refused can appeal to quarter sessions (see s. 37 of the Town Police Clauses Act, 1847, and s. 7 of the Public Health Acts Amendment Act, 1890), and mandamus will issue if the discretion of the local authority is not exercised judicially (see, e.g., *R.* v. *Barry Urban District Council* (1900), 16 T.L.R. 565). The grounds upon which an appeal to quarter sessions may be based are not clear, but it may be open to your client to show that he is a "person aggrieved," i.e., a person against whom a decision has been pronounced which has wrongfully refused him something or wrongfully deprived him of something: *Re Sidebotham; ex parte Sidebotham* (1880), 14 Ch. D. 458. See also Lumley's Public Health, 12th ed., vol. 1, pp. 137 and 620, and Halsbury's Statutes of England, 2nd ed., vol. 24, pp. 530–531.

Copyright in Architect's Plans

Q. A employs *B*, a firm of architects, in the preparation of plans for the conversion of a flat. A price is agreed. *A* and *B* also agree that if the conversion is carried out then the agreed fee for the plans will be waived, *B* just receiving the scale charge for the works involved in accordance with the usual scale. *A* does not carry out the conversion, but sells the property to *C*. The plans are proposed to be handed over to *C*. *B* now claims that there is copyright in the plans prepared for *A*, and that the purchasers *C* cannot use them. What is the position? If *A* pays the architects the agreed fee for the plans is *A* then entitled to pass them on to the purchaser of the property? The point raises the general question as to whether a person who has plans prepared by an architect, e.g., for a conversion, can in the future without reference to the architect use the basis of the plans for other conversions without liability to the architect.

A. The general rule is that an architect's plans become the property of the client: *Gibbon* v. *Pease* [1905] 1 K.B. 810. However, this rule only relates to the material on which the plans are. The copyright in the plans would only pass to the client if the architect were to assign the copyright in writing to the client (Copyright Act, 1956, s. 36), or if the architect were under a contract of service with the client (Copyright Act, 1956, s. 4), or if there were an agreement within the Copyright Act, 1956, s. 37 (1). Thus, unless the copyright in the plans is passed to *A* as above, neither *A* nor *C* may copy, or, in effect, use the plans.

Stamp Duty—Lease of Building Plot

Q. We act for *S*, who is taking a lease of Bluebank, on which a house is to be built for him by the landlords, *H*, Ltd. It is proposed that there shall be a building agreement under which *S* pays for the construction of the house by four instalments of £1,250 each, making a total of £5,000, and an agreement for the lease signed at the same time. The draft lease provides for the payment of £1,750 at the time of execution of the lease and for a term of 199 years from 25th December, 1958, with a rent of £12 10s. per annum. It contains a certificate of value at £3,500. The agreement provides that the lease shall be entered into at the time the final payment is made under the building agreement. The intention is to stamp the lease £2 8s. Is there any possibility of increased duty being claimed?

A. First, the *ad valorem* lease or tack stamp duty where the term exceeds 100 years and the annual rent exceeds £10 and does not exceed £15 is £3 12s.: Stamp Act, 1891, s. 1 and Sched. (doubled in 1910 and again in 1947), and not £2 8s. Second, on the proposals given, we consider that the insertion in the lease of a certificate for value at £3,500 would be improper; the true consideration (which must be stated: Stamp Act, 1891, s. 5) is the £5,000 plus the £1,750; in our opinion, the facts would be within *McInnes* v. *Inland Revenue Commissioners* [1934] S.C. 424; no reduced rates would be applicable and the duty is the conveyance or transfer duty of £1 per £50 of £6,750 = £135. However, since the agreements have not yet been entered into, it is possible to save stamp duty by bringing the case within the decision in *Kimbers* v. *Inland Revenue Commissioners* [1936] 1 K.B. 132. In this connection, we cannot do better than refer you to the Board of Inland Revenue statement reproduced at 101 Sol. J. 712.

Exposure for Sale of Aborted Cows

Q. We see in Black's Veterinary Dictionary under "Contagious Abortion of Cattle," "Legislation—In Great Britain the law provides against the exposure for sale of aborted cows until at least two months have elapsed since they aborted." Can you please let us know what is the legislation referred to?

A. This would seem to be a reference to art. 2 of the Epizootic Abortion Order of 1922 (S.R. & O. 1922 No. 806), which provides that: "It shall not be lawful for any person to expose or cause to be exposed in any market, fairground, or saleyard, a cow or a heifer which to his knowledge, or according to information furnished to him, has calved prematurely within the two months immediately preceding such exposure."

"THE SOLICITORS' JOURNAL," 13th OCTOBER, 1860

On the 13th October, 1860, The Solicitors' Journal reported: "Mr. Pownall, the Chairman of the Middlesex magistrates, took occasion the other day at the opening of the Westminster Sessions to call attention to the careless and inaccurate manner in which the jury lists are generally prepared. 'Inaccuracies,' he said, 'were continued year after year which the least attention would obviate. Some names were omitted which should be in; while those of persons who had been dead for years, as well as those who had left the parish and had not been rated for years, were continued.' We have frequently had occasion to call attention to the great injustice and inconvenience occasioned by the present system of making out the jury lists and of the very unequal pressure upon different classes of persons, as well as upon different individuals in the same class, in reference to the discharge of the duties of jurymen. Whatever doubt there may be as to the policy of abolishing the distinction between special and common juries, and as to the possibility of introducing a more equitable rule for distributing . . . the performance of such duties, there can be no question as to the crying injustice and scandal which result from the gross negligence of the persons upon whom the law devolves at present the duty of preparing jury lists; and if there is no existing jurisdiction to punish them for their neglect—which we cannot believe—it is high time that our Courts should be enabled to award . . . punishment to these delinquents . . ."

SOLICITORS' ART

THE Law Society Art Exhibition was opened at The Law Society's Hall on 4th October. Solicitors, their articled clerks and members of their staffs exhibited their leisure works. Though the approach of most of the exhibitors was traditionalist, there were some who saw their subjects with the more complex eye of the moderns. It was one of the moderns, Mr. Anthony Lousada, to whom was awarded the first prize. The delicate complexity, the play of light, the contrasts of green in his "Weeping Willows" give the impression at first almost of an abstract. It is a work which compels attention. In Mr. L. F. Herbert's "Mountain Village," which was awarded the second prize, the treatment of the strong, sombre landscape is almost geometrical. Where Mr. Lousada is light and fanciful, Mr. Herbert is relentless and strong. Mr. W. A. Leon's black and white "Kensington Gardens," which won the third prize, is not haunted by Peter Pan. He sees his rather bleak trees through his own eyes, not anybody else's.

The judges were Mr. Norman Reid, Deputy Director of the Tate Gallery, Sir William Coldstream, head of the Slade School, and Mr. John Witt, a practising solicitor who is also a trustee of the National Gallery.

Few of the exhibitors drew their inspiration from their professional background. A notable exception was found in those portraits by Mr. William Webb "The Gentleman Attending to the Matter," "Take this Letter, Miss Jones" and "Our Mr. Bready." There is a strength, an assurance, an observation and a grip in his method which brings his sitters almost out of the canvas and into the room. In the first picture the proximity is almost disconcerting. Mr. F. B. W. Williams paints Lincoln's Inn and Gray's Inn. His golden sunlight filtered through the trees of New Square or Gray's Inn Walks has the authentic glow of summer. Miss Robina Lund sees her cats, emerging from a black background, in apt terms of human satire; "Drunk in Charge" is hung under the severe eye of "The Probation Officer," while another of her sitters creeps purposefully, "Lurking with Intent."

It would be impossible to do justice to the variety of talent displayed, from Mr. D. E. Humphrey's lovely "Arundel," in which the castle seems to float in light between the water and the clouds, to Mr. Abraham Newman's horrific "Salome," in which the bright primary colours and the grotesque distortions heighten the terror of the scene. One of the most effective of the moderns is Sir Duncan Oppenheim, with the dark suggestive treatment and skeletal shape in the foreground of his "Norfolk Shorescape" and his sombre "Norfolk Saltings." One feels apologetic to so many artists whose merits it is not possible to mention.

F. C.

NOTES AND NEWS

Honours and Appointments

LORD COHEN has been granted an annuity of £4,500 for life, commencing on 1st October, 1960.

Mr. JOSEPH ARTHUR GRIEVES, Q.C., has been appointed deputy chairman of the court of quarter sessions for the Liberty of Peterborough.

Lord Justice HODSON has been granted a life barony by the style and title of Baron Hodson of Rotherfield Greys in the County of Oxford.

Mr. STEPHEN GEORGE JONES, legal adviser to London Transport Executive, has been appointed secretary.

Sir HUBERT JOSEPH WALLINGTON has been granted an annuity of £4,000 for life, commencing on 3rd October, 1960.

Personal Notes

Mr. JOHN ALAN HARDMAN, solicitor, of Colwyn Bay, was married on 22nd September to Miss Jean Stewart Brown, of Blundellsands.

Mr. DOUGLAS SISSON, solicitor, of Huddersfield, has bought the ruins of St. Agatha's Abbey (A.D. 1155), near Richmond, Yorkshire, for £525. The custodianship of the Abbey will remain with the Ministry of Works, who will pay Mr. Sisson £2 11s. a year rent.

Mr. HAROLD WILFRED SMITH, Town Clerk of Keighley since 1950, is to retire at the end of February, 1961.

Mr. PHILIP AUSTIN SELBORNE STRINGER, Clerk of Wiltshire County Council for twenty-one years, retired on 27th September.

Obituary

Mr. WILLIAM CHARLES CAMM, solicitor, of Dudley, died on 4th October, aged 87. He was admitted in 1902 and was a lecturer in law at Birmingham University for more than twenty years.

Mr. CHARLES BENNETT MARSHALL, M.C., retired solicitor, of Wrotham Heath, Kent, formerly of Westminster, died on 4th October, aged 81. He was admitted in 1902.

Society

The WEST LONDON LAW SOCIETY is holding a general meeting at 6.30 p.m. to be followed by an informal dinner at 7.15 at the restaurant at the Zoological Gardens, Regent's Park, on Wednesday, 19th October. Anecdotes about the recent law conferences in Washington and Ottawa will be recounted, the leading spokesman being Sir Thomas Lund, Secretary of The Law Society.

CASES REPORTED IN VOL. 104

23rd September to 14th October, 1960

Lists covering all cases reported earlier this year appear in the Interim Index (to 24th June) and at p. 748, *ante* (1st July to 16th September)

	PAGE
Anglo-Overseas Agencies, Ltd. *v.* Green	765
A.-G. of Ceylon *v.* Herath	782
Berry *v.* British Transport Commission	826
Burdett-Coutts *v.* I.R.C.	805
Cherry *v.* International Alloys, Ltd.	782
Close *v.* Steel Co. of Wales, Ltd.	763
Cotterell *v.* Price	763
G *v.* G (otherwise H)	826
Gladstone *v.* Bower	763
I.R.C. *v.* H. Dunning & Co. (1946), Ltd.	805
Land Commissioner *v.* Jayewardene	824
Liverpool, The (No. 2)	824
Miller *v.* Miller	827
Pearce, Duff & Co., Ltd., *In re*	764
Robins *v.* Robins	826
St. George's, Birmingham, *In re*	827
Shindler *v.* Northern Raincoat Co., Ltd.	806
Steamship Enterprises of Panama Inc., *Liverpool* (Owners) *v. Ossel* (Owners)	824
Storey *v.* Storey	825
Tinker's Settlement, *In re*	805
Whitehouse *v.* Board of Control	824

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertising Offices: Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855.

Annual Subscription: Inland £4 10s., Overseas £5 (payable yearly, half-yearly or quarterly in advance).

Classified Advertisements must be received by first post Wednesday

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

Classified Advertisements

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
3s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
12s. for 30 words. Additional lines 2s. Box Registration Fee 1s. 6d. extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

BOROUGH OF CASTLEFORD

Applications are invited for the appointment of ASSISTANT SOLICITOR in the Town Clerk's Department. Commencing salary, according to experience, within Special Scale £890–£1,245. Previous local government experience desirable but not essential. Applications from newly qualified solicitors will be considered.

N.J.C. Service Conditions; superannuable; terminable by one month's notice on either side. The successful applicant will be required to pass satisfactorily a medical examination.

If required, housing accommodation will be provided for a successful married applicant.

Applications on forms obtainable from me, to be returned by the 22nd October, 1960.

Canvassing disqualifies.

ERNEST HUTCHINSON,
Town Clerk.

Town Hall,
Castleford,
Yorkshire.

METROPOLITAN POLICE OFFICE
SOLICITOR TO THE METROPOLITAN POLICE

Applications are invited from qualified Solicitors for the above post which will fall vacant in January, 1961. Salary £4,100 a year. The post is pensionable.

The Solicitor is Legal Adviser to the Commissioner of Police and also acts on behalf of the Metropolitan Police in Court proceedings in which they may be concerned. These duties involve advising on questions of law, including common law liability, arising out of police operations and undertaking prosecutions in all Courts having jurisdiction in the Metropolitan Police District. A wide experience of prosecution work is essential.

The Solicitor is in charge of a Department with a professional staff of twenty-six and supporting staff of managing clerks, etc.

Further particulars of the post, conditions of service and method of application are obtainable from The Secretary (Room 165 (S)), New Scotland Yard, S.W.1.

CITY OF LEEDS
TOWN CLERK'S OFFICE
UNADMITTED LEGAL ASSISTANT

Applications are invited for the above permanent appointment. Salary within range £815–£960 according to experience. Previous local government experience is not absolutely necessary. The successful applicant will be required to perform duties for which a sound practical experience in conveyancing is essential.

Applications, stating age, education, experience, previous appointments held, together with the names of two referees to the Town Clerk, Civic Hall, Leeds, 1, not later than Monday, 24th October, 1960.

BOROUGH OF EALING

LEGAL Clerk required, mainly for Conveyancing. Salary scale £855–£1,000 per annum (£15 less if under 26). Further particulars and application form, returnable by 31st October, 1960, from Town Clerk, Town Hall, Ealing, W.5.

BOROUGH OF GOSPORT
ASSISTANT SOLICITOR

Applications are invited for the appointment of Assistant Solicitor at a salary in accordance with Grades A.P.T. IV & V of the National Scales, commencing at a point commensurate with qualification and professional experience. Previous Local Government experience is not essential. Housing accommodation will be made available, if required.

Applications, stating the names of two persons to whom reference may be made as to the Candidate's character and ability, should be submitted by 25th October, 1960.

EDWARD ADDENBROOKE,
Town Clerk.

Town Hall,
Gosport,
Hants.

CITY OF BIRMINGHAM
CONVEYANCING CLERK

Applications are invited for the appointment of Conveyancing Clerk in the Town Clerk's Office at salary in accordance with Grade A.P.T. IV (£1,140–£1,310 per annum).

Candidates must have good conveyancing experience and previous local government experience is not essential. Five-day week. Post pensionable. Medical examination.

Applications, with full particulars and copies of three testimonials, to Town Clerk, Council House, Birmingham, not later than 11th November, 1960.

T. H. PARKINSON,
Town Clerk.

BOROUGH OF DUNSTABLE

Applications invited for appointment of Assistant Solicitor at salary within £890 to £1,245 p.a. according to experience. Local Government experience unnecessary; work mainly conveyancing. Recently qualified Solicitors eligible. Housing may be made available. Write Town Clerk, Municipal Offices, Dunstable, Beds., forthwith, and before 22nd October, 1960.

APPOINTMENTS VACANT

ASSISTANT Solicitor recently qualified wanted for old-established general practice in Barnsley; willing to undertake advocacy.—Box 6396, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4

CITY Solicitors require unadmitted Probate Clerk.—Write giving particulars with age, experience and salary required, to Box 6350, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING and Probate Assistant (admitted or unadmitted) required. Please state experience and salary required.—Charles & Co., 54a Woodgrange Road Forest Gate, London, E.7. MARyland 6167.

ELTHAM.—Conveyancing Clerk required for responsible and progressive post. Applicant should have had experience with firm of standing. Good commencing salary (London Scale) according to age and experience.—Please apply: The Principal, Edmund Hemming & Co., 99 High Street, Eltham, London, S.E.9.

LARGE Provincial office near Western Home Counties invites applications for following positions. (For positions 1, 2, and 3 a good draughtsman with wide experience is essential).

1. A Conveyancing Senior.
2. Senior with general experience in Conveyancing and Probate work and other matters contentious and non-contentious generally met with in provincial practice.
3. A Probate and Trust Senior.
4. A Junior for training in Trust Accounts and Probate and later some Conveyancing (if desired by applicant).

Unadmitted men or women preferred, but admitted men considered for Position 1.

Generous salaries in each case according to age and experience and by arrangement; housing assistance given if required. Please write stating age and experience and stating for which position application is being made to Box 7037, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LARGE firm of City Solicitors require experienced Conveyancing Clerk, male or female, for promotion to Managing Clerk. Good salary paid to applicant with suitable qualifications. 5-day week, Luncheon Vouchers, Pension Scheme. Write stating age and experience.—Box 7041, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EXPERIENCED unadmitted Conveyancing and Probate Managing Clerk required for busy practice in Worcestershire. Substantial salary.—Box 7015, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BIRMINGHAM.—Solicitor requires qualified admitted Assistant, mainly Conveyancing. Minimum commencing salary £20 per week. Modern offices. Progressive position.—Box 7063, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

JACOBS BIRD & COMPANY, 20 Waterloo Street, Birmingham, 2, have vacancy for unadmitted Conveyancing Assistant. Salary according to experience but minimum of £18 per week.

ENFIELD Solicitors with rapidly expanding practice require experienced Conveyancing Managing Clerk capable of handling a large volume of work without supervision; Salary according to experience but £1,200 approximately for suitable applicant.—Box 7051, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY OF LINCOLN.—Assistant Solicitor required by old-established general practice for pleasantly varied work including some advocacy. Substantial salary.—Box 7052, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WESTON-SUPER-MARE progressive practice requires qualified assistant, two-year contract will be given subject to probationary period and at the end Partnership will be considered. Work mainly Conveyancing.—Box 7053, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

continued on p. xxii

★ Classified Advertisements ★

continued from p. xxi

APPOINTMENTS VACANT—*continued*

SIDCUP, Kent (close by station), Conveyancing assistant required; typing essential. Salary £624 per annum.—Ring Forest Hill 0551.

LONDON TRANSPORT

London Transport invite applications from Barristers and Solicitors for an appointment to a senior post in the Claims Office. This is concerned with claims resulting from accidents of all kinds in which the Executive's road vehicles, railways and employees are concerned. A large part of the work relates to road vehicle accidents.

Considerable experience in the investigation of road accidents, in the determination of liability and the assessing of damages and in the negotiation of settlements is essential. Applicants should also possess initiative and a high degree of administrative ability.

Salary within the range of £1,380 p.a. to £1,600 p.a. Commencing salary according to ability, qualifications and experience.

Free travel; medical examination; superannuation scheme after probation.

Please apply within fourteen days to Staff & Welfare Officer (Ref. 110/1), London Transport Executive, 55 Broadway, S.W.1.

LIVERPOOL.—Assistant Solicitor for established firm.—Box M.637, Lee & Nightingale, Liverpool, 2.

LITIGATION.—Lincoln's Inn Solicitors require experienced Litigation Manager—Salary range £1,200 to £1,500.—Write Box 389, Reynell's, 44 Chancery Lane, W.C.2.

LONDON

SOLICITOR with 2 or 3 years qualified experience required for legal section of Mobil Oil Company. Applicants, aged 24–28, should have a good knowledge of contract law and conveyancing. Vacancy offers opportunity to man interested in making a career in industry.—Apply to Employment Adviser, Caxton House, London, S.W.1, quoting ref. AS 4673B.

MANCHESTER firm with busy general practice req. expd. Solicitor for Probate and Conveyancing work. Prospects of partnership after trial period.—Box 7069, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor with sound general experience required by busy well established 2-partner firm near Law Courts, Strand, either with or without a view to purchase of partnership share; commensurate salary according ability and experience.—Write Box 7070, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EAST HANTS.—Urgently wanted (A) young Conveyancing and Probate Assistant (unadmitted), and (B) young Cashier and Costs Clerk (male or female). Typists preferred. Permanent and progressive posts with good prospects.—Apply in own handwriting stating age, experience and salary required to Box 7075, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST END firm requires assistant in Probate Department. Excellent opportunity for advancement. Salary commensurate with services offered. Write with details.—Box 7018, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LEICESTER Solicitor, small office, requires assistant Solicitor for conveyancing, divorce and litigation work. Supervision willingly given. Commencing salary £700 p.a. All replies acknowledged.—Box 7083, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRIVATE SECRETARY

is required by

COLGATE-PALMOLIVE LIMITED

This is a senior position. The essential requirements are reliability, accuracy and a pleasing personality and of course adequate secretarial experience.

Candidates should be 25–35 years of age and have a higher educational background.

The starting salary of £650 per annum is subject to half-yearly merit reviews. There are excellent working conditions in a newly completed office building.

Hours approximately 9.00 a.m.–5.30 p.m. Five-day week. Staff restaurant, contributory pension scheme and other amenities.

Applicants should apply in writing, stating age, qualifications and experience to the

Personnel Manager,
Colgate-Palmolive Limited,
76 Oxford Street,
London, W.1.

LEGAL ASSISTANT.—Vacancies exist for a qualified Assistant and an unqualified Assistant in a well-established legal firm in Nairobi, Kenya Colony, preferably with experience of conveyancing and company work. Applicants for the position of qualified Assistant should be barristers or solicitors. Initial contract for tour of three or four years with home leave and passages paid. Salary entirely dependent on qualifications and practical experience, but commencing at not less than £1,500 per annum. Prospect of partnership for suitable applicant. Interviews by arrangement in October or November.—Apply in first instance to Box 766, Robertson and Scott, 42 Charlotte Square, Edinburgh.

LEAMINGTON SPA.—Assistant solicitor or unadmitted managing clerk capable of working with very little supervision required in busy family practice. Mainly conveyancing and probate work. Good prospects for an efficient and energetic man in either category.—Apply to Overell & Swain, 33 Warwick Street, Leamington Spa, with full details.

WEST MIDLANDS.—Conveyancing and Probate Assistant (admitted or unadmitted) required for young (including principal and staff) and expanding practice. Advocacy if desired. Good prospects. Salary £1,000–£1,200 approximately.—Box 7076, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BIRMINGHAM.—Young keen Assistant Solicitor required for busy family practice; supervision if necessary; salary commensurate with experience. Write giving full particulars.—Box 7071, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk (admitted or unadmitted) required by Gray's Inn Solicitors; no Saturdays; Pension Scheme.—Reply stating age and salary required to Box 7072, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS, W.C.2, require Manager (admitted or unadmitted) fully experienced in conveyancing, probate, trusts, tax, etc. Good salary offered to right man.—Reply Box 7073, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OLD-ESTABLISHED North London firm urgently require Assistant Solicitor or experienced Clerk to assist in busy conveyancing practice. Salary in accordance with experience. Permanent position for suitable applicant. Box 6934, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required for general work to assist senior partner. Able to work without supervision or with slight supervision. 5-day week. Salary by arrangement.—Write stating age and experience to Marcan & Dean, 20 Victoria Street, S.W.1.

SOLICITORS, Kingston-on-Thames area, require Conveyancing Assistants (admitted or unadmitted). Good prospects of advancement.—Reply with full details to Box 7080, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS in Lewisham require admitted or unadmitted Litigation Managing Clerk. Opportunity for recently admitted Solicitor requiring experience in Litigation. Apply in writing to Straker Holford & Co., 89/91 Lewisham High Street, S.E.13, stating age, experience and salary required.

KENT SOUTH COAST.—Conveyancing and Probate assistant solicitor wanted, preferably young graduate. Partnership after proving period if desired. Old-established and growing medium-sized general practice.—Box 7074, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

APPOINTMENTS WANTED

NEWLY admitted Solicitor, LL.B., 26, seeks position with large or small firm North Cheshire/Manchester or environs. Sound and busy Articles background, mainly experienced Conveyancing, Probate, Divorce, Debt-collection.—Box 7077, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR (46), with considerable experience in Conveyancing, Trust and Probate matters and accustomed to working on own initiative, seeks a permanent responsible position in the South.—Box 7081, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRACTICES AND PARTNERSHIPS

SOLICITOR with small but busy conveyancing practice wishes to amalgamate with solicitor or firm having accommodation or would purchase share or succession. London, W.1, or City.—Box 7065, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

continued on p. xxiii

Classified Advertisements

continued from p. xxii

PRACTICES AND PARTNERSHIPS—*contd.*

PARTNER required for South Coast practice. Good general experience including Advocacy. Aged about 30 and C. of E. No payment required for goodwill and absence of capital no handicap. Salary during probationary period up to £1,500 per annum and initial share producing £1,500 rising to £2,200 over five years. Car provided if necessary or car allowance given. Write with full details of education, experience and family.—Box 7064, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PREMISES, OFFICES, ETC.

MAYFAIR

NEW decorated Suite of four offices with good natural light. Lease 5 years. Rent £800 p.a. excl.—CHAMBERLAIN & WILLOWS, 23 Moorgate, E.C.2 (MET : 8001).

PROPERTY INVESTMENTS

INVESTMENTS REQUIRED

ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 140 Park Lane, Marble Arch, W.1. MAYfair 1329 (2 lines).

A FAMILY trust requires to purchase Singles or Small Estates of Freehold Ground Rents. Secured upon Houses and Shops for investment. Replies to F. Rosenfeld, 53 Bullscroft Road, Edgware, Middlesex.

PROPERTY company offers sound London properties and first-class covenant for private mortgage advances ranging from £800 to £3,000.—Box 7044, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MORTGAGE FUNDS REQUIRED

MORTGAGES required for our applicants. Sums of £1,000/£10,000 on owner-occupied houses. Also larger amounts on investment property, viz.: blocks of shops, houses, factories, etc. Two-thirds value required at 6½%/7½%. Full scale legal and survey charges paid. Occasionally other applicants require second mortgages at 8%/10% £200/£1,000 where there is ample equity. Write fully.—Welsford, Morgan & Co. (Mortgage Brokers since 1908), 986 London Road, Thornton Heath, Surrey, or Tel.: THO 2135

MORTGAGE FUNDS

WE offer a specialised service re mortgage advances on Shop Properties, Factories and Houses over £10,000. Sums also available for Building and Industrial development.—MILLER SMITH AND PARTNERS 139 Park Lane, W.1. Tel.: MAYfair 7081–4.

FIRST & Second mortgages, Building Finance, Bridging Loans, Business Finance promptly granted. Mutual Funding Agency.—LANGHAM 8434.

FUNDS required for first mortgages monthly repayments for seven years and over. Advances two thirds of valuation. Box 7078, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BUILDING LAND WANTED

LAND WANTED for housing. Home Counties. 2/50 acres. Agents retained and reinstructed. Planning applications and appeals undertaken.—TRUE BOND HOMES, LTD., 342 Richmond Road, East Twickenham. (POP 6231).

VALUATIONS

TRADE VALUATIONS
STOCKS & FIXTURES
SALE OR PROBATE

Extensive staff of expert valuers available at short notice

ALL MAIN DISTRIBUTIVE TRADES including Pharmacy

ORRIDGE & CO.

184 STRAND, LONDON, W.C.2

Telephone: TEMple Bar 9212/3 and 6340

Branch offices in Lancashire, Yorkshire, Hampshire, Glamorgan and Warwickshire

Members of leading professional bodies

VALUERS SINCE 1846

ANTIQUE AND MODERN FURNITURE, Silver, Porcelain, Pictures, Books and all descriptions of Chattel Property VALUED FOR PROBATE, INSURANCE OR FAMILY DIVISION, or, if desired, included in specialised auction sales. Sales also arranged by tender or private treaty.—Phillips, Son & Neale, 7 Blenheim Street, New Bond Street, W.1. Telephone No.: MAYfair 2424. Est. 1796.

REVERSIONS, LIFE POLICIES, ANNUITIES and UNQUOTED SHARES.—H. E. Foster and Cranfield, 6 Poultry, E.C.2, specialise in the valuation of these interests for probate purposes. Established 1843.

TEMPLE WILLIAMS

personally undertakes valuations of contents of houses, antiques and works of art for probate and insurance purposes. Very many years' experience as a fine art auctioneer and member of the British Antique Dealers Association combine to make his views authoritative.

TEMPLE WILLIAMS LTD.,
HAUNCH OF VENISON YARD,
BROOK STREET, W.1
(Tel.: MAYfair 1486)

PERSONAL

DAVIS OF PORT STREET, PICCADILLY, MANCHESTER, 1.—For fine furniture at manufacturers prices. Walk round our three large showrooms, which are open daily until 6 p.m. (Wednesday and Saturday included). We are stockists of all the latest designs of furniture, carpets, mattresses, divans. 10-year guarantee. Also all domestic electrical equipment, etc. Special discount and terms to members of the legal profession. No other introduction required. Tel: CEN 0638

"VANITY FAIR" CARTOONS, ORIGINALS, in good condition, in particular: Lord Halsbury, Henri Pierron (Solicitor), Sir Walter Blake, Sir Rufus Isaacs, Cardinal Newman, Admiral Sir Compton Domville, Cardinal Bourne, Cardinal Manning, Cardinal Vaughan. KAPP'S CARTOONS. Lord Cave and Lord Haldane. Box 7079, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BOOK-KEEPING and Accounting Services for Solicitors. The answer to your staff problems is our quick efficient and comprehensive service.—Write to Box 7082, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRIVATE INQUIRIES

DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4). Also at 107 Hammersmith Road, London, W.14.

INTEGRITY

EAGLE INVESTIGATIONS

Private Detectives

12 Kingly Street, London, W.1
(just off Piccadilly Circus)
GERrard 1681-2

Telegrams: LONTEC-PICCY-LONDON
Cables: LONTEC-LONDON

Investigators — Couriers
Consultants

ALL COMMISSIONS UNDERTAKEN

Connections in all the main cities of Europe and the continent of America

Personnel: Ex-Scotland Yard Officers, Bi-lingual agents and Couriers available

SERVING OF PROCESS, EVIDENCE OF MEANS, TRACING INDIVIDUALS, TAKING STATEMENTS, AND GENERAL ENQUIRY WORK—but not Divorces. Carried out by RETIRED POLICE OFFICERS. Quick efficient service, Moderate fees. NUNEATON AND DISTRICT. Credit Trades Investigation Bureau Limited, Westminster Bank Chambers, Market Place, Nuneaton. Telephone Number: NUNEATON 4645.

FINANCIAL

A BARGAIN, £25 complete, brand new ready-made Co. Regns. Guaranteed no trading (England or Scotland); all trades available now, including Property Dealing; Mining/Quarrying; Garages; Electrical; Glass/China; Drapers; Packers; Plastics; H.P. Finance; Salvage; Banking, Nominees; Secretarial; Stocks/Shares; Property; Investments; Caravans, etc. (specially prepared for each trade). Write, phone or call (English Registrations) BUSINESS ECONOMY Co., Regns., Ltd. (Dept. 14). 156 Strand, London, W.C.2 (Tem. 8377/2294); (Scottish Registrations to 19 Walker Street, Edinburgh, 3, (Cal. 1167/9). Read "Advantages of trading as a limited Company" (3/- post free). Ltd Co. may save you personal tax. We also have seven days Co. Regn. service with your own choice of name £21 (plus stamp duty).

LIMITED COMPANY REGISTRATIONS. Ready-made companies, guaranteed no trading, **£18** complete. Also seven-day own name registration service. Memo., Articles, Registers, minute book, shares and seal **£9**. Trade Mark and Company Searches.—Graeme & Co., 61 Fairview Avenue, Gillingham, Kent. Rainham (Kent) 82558.

continued on p. xxiv

Classified Advertisements

continued from p. xxiii

LEGAL TYPING including STENORETTE and ALL TAPE TRANSCRIPTIONS, Copying, Engrossing, Abstracting. DUPLICATING pro forma letters, drafts, etc. COMPLETIONS attended.—RUSHGROVE AGENCY, 561 Watford Way, London, N.W.7. MILl Hill 7242.

TYPING, ETC.

DRAFTS and Engrossments expertly typed, hand engrossing, plans drawn or copied, multiple copying by special process, photo-copying; all expeditiously done in proper form and at moderate charges. On all copying problems, consult the Copying Departments of The Solicitors' Law Stationery Society, Ltd., Head Offices, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LECTURES

GRESHAM COLLEGE, Basinghall Street, London, E.C.2. Tel.: MONarch 2433. Four Lectures on "The Omnipotence of Parliament" by Richard O'Sullivan, Q.C., on Mon. to Thurs. Oct. 17th to 20th. The Lectures are FREE and begin at 5.30 p.m.

BOOKS AND PERIODICALS

ALL ENGLAND LAW REPORTS FOR SALE. Complete 1936 to 1960, Vol. 2, with Index and Parts to date. Bound half calf. Condition as new. Inspection can be arranged.—Box 7055, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

THE "CORDEX" SELF-BINDING CASE specially designed to contain issues of THE SOLICITORS' JOURNAL is now available price 14s., post free. Capacity 26 issues and index. Issues easily inserted or removed.—The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

TRANSLATIONS

LEGAL DOCUMENTS and other miscellaneous matter (French, German and Italian); accurate rendering mailed day work received.

H. Verney Clayton, M.C.,
THE Woodlands, Market Rasen, Lincs.

BINDING OF VOLUMES

WHY not have your issues of THE SOLICITORS' JOURNAL bound and preserve in permanent form those articles which are of lasting value to you? The Publishers can accept the issues for 1959 and earlier years for binding in Green or Brown, full cloth, titled on spine, at £1 13s. per volume, post free, or in Half Calf, titled on spine, at £2 8s. per volume, post free. Issues should be addressed to The Binding Dept., The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MISCELLANEOUS

OLD DEEDS. — Good prices given for old parchment deeds; any quantity accepted, large or small.—Please send full details to H. Band & Co., Ltd., Brent Way, High Street, Brentford, Middlesex.

HIGHEST PRICES PAID for Coins and Medals, especially collections and gold. Catalogue of English Coins, 9s. 3d. Specimen Bulletin, 6d.—B. A. Seaby, Ltd., 65 Great Portland Street, London, W.1.

NILS HELLNER. Attorney-at-Law Hornsgaten, 40 Stockholm.—Law suit debt collections. Correspondence in English, French, German and Spanish.

AUCTIONEERS' ANNOUNCEMENTS

Printed and published in Great Britain by THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Phone: Chancery 6855.
Agents—The United States and Canada: The Carswell Co., Ltd., 145–149 Adelaide Street West, Toronto, 1, Canada; Australia and New Zealand: The Law Book Co. of Australasia Pty., Ltd., 140 Phillip Street, Sydney, N.S.W.; India and Pakistan: N.M. Tripathi, Ltd., 164 Princess Street, Bombay.
Published Weekly, 1s. 9d. Friday, October 14, 1960 Registered at the G.P.O. as a newspaper